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AMERICA'S FOREIGN RELATIONS

VOLUME I.

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JOHN JAY

AMERICA'S FOREIGN RELATIONS

BY

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WITH PORTRAITS

IN TWO VOLUMES

VOLUME ONE

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Peace
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TO
MY ALMA MATER
NEW YORK UNIVERSITY

PREFACE

It is my purpose to write a History of the Foreign Relations of the United States of America. I shall begin it with some consideration of what I may term the pre-natal influences of the nation, to wit, the relations which existed among the European powers which preceded this Republic in possession of the land, and which in an important measure were left as a legacy of good or evil to the United States; and I shall hope to complete it as a continuous and coherent narrative down to our own day. It will be a history for the reading and information of the average lay citizen. Therefore it will not be a technical treatise on diplomacy or international law, such as would appeal chiefly to the student, jurist or statesman. Neither will there be any effort—which it might be vain for me to make—to invest the narrative with such romantic charm or rhetorical art as would commend it to the dilettante or to the seeker after entertainment but would at the same time probably impair its value as a work of serious information. Nor yet shall I seek as a special pleader to depict our country as always wise and just in its dealings with others, or others as necessarily in the wrong in their controversies with America; but I shall sincerely strive to treat all with impartiality. In brief, I shall aim to make this a popular history in a worthy sense of that too often abused term, intended for popular perusal and accurate information upon topics which are among at once the most important and the most neglected or most misunderstood in all our national annals.

The observations of a lifetime largely given to the study of these things have persuaded me that the foreign relations of this country are the least generally known part of its history. Our wars, our territorial growth, our material progress, our development as a people, our social and economic problems, have been the themes of innumerable writers and are reasonably assumed to be familiar to all who are entitled to be regarded as well informed. But of the origin and development of our international relationships, and of the great principles of our external policies of state, and indeed even of many of the conspicuous incidents and processes which have marked and directed that development, there is a lamentable lack of information. There seems to have prevailed too widely the spirit of a Senator of the United States who, a generation ago, while discussing a grave matter in which the international good repute of the United States was involved, scornfully demanded "What do we care for 'Abroad'?"

The result is that we are of all important nations probably the most self-centered and circumscribed. Our citizens have been gathered from all the world, but very few of them belong to all the world. We are the most cosmopolitan in material substance, but the least cosmopolitan in sympathy and in genius. The British nation, from which we are chiefly sprung, is often spoken of as "insular"; but its insularity is vastly and generously comprehensive in contrast to the bigoted parochial egotism of its gigantic offspring. From this excess of adulatory introspection, this sometimes smug and sometimes hifalutin self-complacency, and this lack of appreciative perspective and proportion in viewing other nations and their affairs, have arisen many of our domestic and most of our external ills.

It would be a grateful and beneficent achievement to inspire the American people with a more adequate and accurate conception of their real place in the world and of their true relationship with other nations. The result should be to ameliorate international sentiments; to moderate both excessive attachments and excessive animosities into a spirit of benevolent impartiality; to unify the sympathies, the policies and the action of all domestic parties toward the external world; and to invest our popular attitude toward other peoples and their governments with a dignity and a benignity worthy of a nation that is well proportioned and judicious in all its greatness. If I shall succeed in doing this to a perceptible extent, the purpose of my labors in this book will be fulfilled.

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AMERICA'S FOREIGN RELATIONS

VOLUME I.

AMERICA'S FOREIGN RELATIONS

I

COLONIAL INFLUENCES

THE foreign relations of a country are manifold. There are, in the primitive state, the personal relations of the chief of the tribe, or of the monarch, which for a time dominate the whole attitude of one people toward another. In the theoretical fraternity of thrones, all monarchs are to all others "dear cousins" or "beloved brothers." In fact, they are sometimes friends and sometimes mortal foes. In the days of absolutism these personal, monarchical relations often determined the whole foreign policy of a nation. Wars and peace, alliances and treaties, were made not according to the will of the people or in conformity with their interests, but at the will, the pleasure, or the caprice of the sovereign. With such relations we have happily little to do in these days. America felt them sharply and bitterly in early colonial times, but has scarcely known even their indirect influence for the last hundred years. Even in Europe, in exclusively European affairs, such influences are waning. They still exist to a degree. There is some usefulness in the visits and counter-visits of monarchs. But such usefulness is generally supplementary to the initiative and will of the people expressed through parliamentary ministers; and it is to be observed that a royal interview between even the greatest sovereigns is regarded as of little political or diplomatic significance unless some of their ministers are present at it.

A second type of international relationships is that created by individuals who are not sovereigns, and perhaps not occupants of any official places, but who possess, or are supposed to possess, some representative character and who perform some noteworthy public service. Thus they succeed in impressing strongly the public, and, perhaps also, the governmental mind, and in materially affecting the relationship between the two countries. Sometimes their actions are generous and disinterested, and sometimes they are actuated by self-seeking. Sometimes the results are beneficent, and sometimes they are productive of all ill feelings between the nations. We cannot doubt that strong international sentiments, affecting practical relationships, were created by the services of Lafayette to America in the Revolution; by those of Byron to Greece; by the residence of Garibaldi in the United States just before his great achievement; by the hospitality of the United States to the exiled Kossuth; and by other like incidents of an unofficial and personal character.

This form of international relationship naturally and directly leads into that wider and more potent one based upon general popular sentiment. We are told that the Creator made of one blood all races of men that dwell upon the earth. Yet there is no question that among different races, or different branches of the one common race, widely varying relations exist, from warmest friendship and sympathy to implacable animosity, based upon causes which, if not natural, are so ancient and remote as to elude analysis. Thus it was in the earliest recorded times. There was hatred between Egyptian and Israelite. The Jews had no dealings with the Samaritans. The Greeks regarded all who did not speak their language as barbarians. There was no peace or friendship between Iran and Turan. So it is at the present day, despite the ameliorating influences of religion and civilization, and, perhaps above all, of commerce and close communication. Such relationships, whether of amity or hatred, are determined by conditions of race, of language, of religious faith, of immemorial tradition, of pecuniary interest, of national ambition, of indefinable prejudice, and what not else. They are often, perhaps, unreasonable, and certainly in many cases are entirely inexplicable.

There are, finally, what we may call official or constitutional relationships, created by responsible governments representative of the people and based upon the popular will and interest. These are, or are supposed to be, logical and reasonable, affected neither by sentiment nor by caprice. They are expressed in treaties and other negotiations, whether friendly or hostile, and are controlled and directed by the commonly accepted principles of international law. Such relationships form the basis and substance of the major part of modern diplomacy. Sometimes they are generous and self-sacrificing, but far more often they are in a degree selfish, each nation pursuing toward its neighbors the policy which will best promote and conserve its own welfare. ''There can be,'' said Washington in his Farewell Address, ''no greater error than to expect or calculate upon real favors from nation to nation.''

There are also in international relationships, and indeed in nearly all the affairs of States, what are called prenatal influences, just as there are in the characters and careers of individual men. No American or European State now existing came into existence as a new creation. It was formed by evolution, or revolution, from some preëxisting State or States, and from its civil ancestors it inherited certain conditions, characteristics, traditions, predilections, animosities, and what not, which went far toward determining its early relationships with its neighbors, and which in some cases have for many centuries perceptibly colored and influenced international sentiments and attitudes.

This latter fact is notably apparent in the case of the subject now under consideration. The United States of America was a political, social, religious, intellectual, and racial offspring of Great Britain, and especially of England. That is the fundamental fact in all its history, whether internal or external. That was the circumstance which determined the original character of these States, which established their earliest relations with other countries, and which directed them into the course which they have since pursued and are now pursuing as a united nation. To-day this nation is perhaps the most composite under the sun. Almost every tribe and people in the world has contributed to its population; some of them in recent years so largely as to exert a perceptible influence upon the national character and popular institutions. Nevertheless, the foundation was English, and the framework remains English. What the Thirteen Colonies were in 1776, they were because of their English origin and their century and a half of English connection and control. Vast as has been the material growth of the United States, and comparably great its constitutional development, the original English leaven has continued to this day to leaven the whole lump, and the original English spirit to inspire the whole mind and soul.

These English colonies, moreover, had their foundation and development in European intrigues, rivalries, and wars. That is a significant fact, which has largely colored the history of foreign relations. At the time of the discovery of America there was more friendship than enmity between England and Spain. Both were Catholic powers, and in no quarter had they come into serious conflict. Between the British Isles and the Iberian Peninsula there were strong ties. Prince Henry of Portugal, the great promoter of adventure and discovery in the fifteenth century, was a grandson of John of Gaunt and thus a member of the English royal house of Lancaster. It was, too, by only the narrowest of chances that England failed to become, instead of Spain, the first proprietor of the Western World. When the Columbus brothers were at their wits' end to secure patronage for their enterprise of seeking Japan, China, and the Indies by the western route, Bartholomew turned to the English court. There the far-seeing and statesmanlike Henry VII received him cordially, became interested in his plans, and was about to equip his expedition and send him forth under the English flag. But at the last moment word came that his brother Christopher had already pledged himself to the services of Spain. But for that, Columbus would have found a world for England and not for Leon and Castile.

That was in 1488. Many things happened between then and the latter part of the next century. The religious revolution in England aroused, instead of friendship, the bitterest of antagonism between that country and Spain. Moreover, Spain's fatuous expulsion of the Jews and Moors deprived the Iberian Peninsula of its best elements and left a nation of soldiers and priests, hopelessly declining. So in the strenuous days of Elizabeth it was the English policy to antagonize Spain, and to strike at her, not only by burning her fleet in Cadiz Harbor and ravaging the Spanish Main, but also by seizing upon parts of the Continent which Spain claimed and which had been accorded to her by a papal bull, and planting thereon sturdy English colonies. It is true that some of the most important English colonies in this country were founded for conscience's sake, in quest of "freedom to worship God." But those were of a little later date. The pioneer English colony on the North American continent, Virginia, had no such purpose. Its aim was to spoil the Spanish king's dominion, and to carry the English war against Spain into America. It was as a part of the English warfare against Spain that the first English colony was planted upon these shores.

This English challenge did not go unnoticed. Spain was quick to perceive it, and to appreciate its menace. For not a moment did she mean to tolerate it. Preparations were promptly made for wiping the stain of English heretic feet from the sacred shore of New Spain. But the Spaniards proceeded with as much caution as valor. Elizabeth of England had been gathered to her fathers, and the incompetent and corrupt James Stuart was on the throne. He might be dealt with differently from his predecessor. A Spanish fleet of thirteen sail was prepared, for a descent upon Virginia. That was in the spring of 1612. News of it came to England, and was confirmed, again and again. But the English government, under the malign control of James, made no effort to meet it or to defend the colony. Then Spanish spies began to report to their king upon the condition of England and of the colony. England had no effective navy. The king's ships lay rotting at their wharves. Only a few merchant ships, even, went out. The whole maritime service of England was falling into decay. Virginia was also in a parlous state. It was receiving no royal subsidy or other favor, and was likely soon to fall through its own weakness. So there was really no need of action. All Spain had to do was to sit still, and she would win her point. Moreover, there was in every Spanish mind a strong conviction that it was best to let a sleeping dog lie, especially when it was a British mastiff of the Devon breed. It was all very well to say that the English navy had gone to ruin. But who could tell what might happen? For years Spaniards had not ventured to go boating on rivers and lakes in the heart of Spain, for fear lest Francis Drake should suddenly appear!

So diplomatic counsels prevailed above the militant. It was decided at Madrid not to incur the danger of having the Spanish king's beard singed again, but to try peaceful intrigues with King James. Why not, since a Stuart was ever ready to be bribed or in some way corrupted? The Spanish fleet was therefore not sent to Virginia, but the Spanish minister, Gondamar, had a free hand at London to play his tricks and manners upon the credulous and corrupt tyrant. His task was easy. He soon persuaded James that "a seditious company is but the seminary to a seditious Parliament," wherefore if he did not presently want a lot of rebels in Westminster Hall defying his divine right, he would better suppress the Virginia Company. Similarly, in after years, George III was convinced that if the Thirteen Colonies won their independence in the Revolution of 1776, all the other colonies, including Ireland, would speedily be lost to the British Crown. "Should America succeed," he said, "the West Indies must follow, not in independence but in dependence on America. Ireland would soon follow, and this island reduce itself to a poor island indeed."

Never did gudgeon swallow a bait more eagerly than James, and forthwith he began his meddling and attempted dictation in the affairs of the company. He first tried to dictate the election of one of his creatures as its treasurer, for which attempt he was compelled to eat humble pie. But Gondamar persisted. The lure of a Spanish princess as the bride of the English heir-apparent was potent and effective. James maintained his hostility to the company, by other and finally more effective means than that at first tried. A king whose kingly grandson could put and keep a Jeffreys on the bench could surely himself prostitute the law courts to any base purpose. So in 1642, James, at Spanish instigation, had a court annul the charter of the Virginia Company, on the ground that it gave that company the privilege of transporting the king's subjects, at their will, from England to Virginia, and so might actually depopulate the realm by transferring the whole English people to its oversea dominion! Upon a more preposterous ground never was so gross a moral and political crime committed.

There were for a time two other colonial settlements on the North Atlantic coast besides the English. These were soon, however, incorporated into the English domain, and now form important parts of the United States. It is to be observed that they were founded in much the same manner and for precisely the same purpose as the English colony of Virginia. They were inspired by European animosities, and were founded as parts of European campaigns. The Dutch settlement of New Netherlands, on the Hudson River, which was afterward developed into the State of New York, was made as a part of the heroic struggle of the Dutch against their Spanish oppressors. It was suggested by William Usselincx and his colleagues of the Orange party, as an effective means of striking at Spain, and of creating, on these distant shores, a diversion in aid of the much-tried Netherlands. On account of its purpose it was for a time not only tolerated but even sanctioned and encouraged by England, although it was a trespasser on territory claimed by the latter; because England and Holland were then making common cause against Spain. It will be recalled that so intimate were their relations at one time that the Dutchmen earnestly besought Elizabeth of England to become their queen and thus to unite the two countries under one crown. It was when England and Holland parted and became enemies, and England, under the Stuart rule, was sold to be an appanage and vassal of France and Spain, that the Dutch colony was finally seized by England. That seizure was performed in consequence of conditions existing in Europe, and as a part of a European campaign, and was effected, we may add, with the baseness and turpitude characteristic of all the Stuarts and especially of Charles II.

The Swedish colony on the Delaware River, from which largely sprang the States of New Jersey and Pennsylvania, had a history not unlike that of the New Netherlands. The establishment of it was suggested by the same man, William Usselincx, who urged it upon Gustavus Adolphus as a part of his great Protestant campaign against the Catholic powers in the Thirty Years' War. The "Lion of the North" was favorably impressed by the idea and authorized its execution, but was too busy to pay much personal attention to it. After his death it was taken up zealously by his great chancellor, Oxenstierna, and the colony of New Sweden was planted at the head of Delaware Bay. Its relations with its neighboring Dutch colony at the northeast were much like those of the latter with the English. New Sweden was regarded as a trespasser on Dutch territory, as the New Netherlands were on English territory. But as long as Holland was fighting for life against Spain, she had need of Sweden's friendship and coöperation, and therefore respected the Swedish colony. But in 1648 the Thirty Years' War came to an end in the peace of Munster. Holland was freed from the Spanish incubus. Then Charles X of Sweden became involved in a great war with Poland. As Holland had no further need of Swedish friendship, and as Sweden was fully occupied elsewhere, the Dutchmen of New Amsterdam saw their opportunity, and improved it. Peter Stuyvesant hastened around from the Hudson to the Delaware, and effected the conquest of New Sweden and its incorporation into his own bailiwick in the twinkling of an eye, very much as England a little later in turn conquered and annexed the Dutch colony.

In these and other regions Dutchmen, Swedes, Germans, and Frenchmen renounced their old nationality, to become first British subjects and later American citizens. In such manner were all the colonies, from Maine to Georgia, founded and Anglicized, because of European complications. Thus were their early interests inseparably, as it seemed, interwoven with the tangled threads of European politics. They were the property of a European power, and they naturally were compelled to share the experiences of that power, in peace and in war. At that period, moreover, England was much more involved in European politics and wars than at the present time. In the last half of the nineteenth century it was her policy to refrain from continental embroilments, in "splendid isolation." But in the Stuart and Hanoverian days she was almost incessantly involved in political or military complications with continental powers, and chiefly with France and Spain, the two powers which had holdings upon this continent and with which therefore the English colonies here came into direct contact. For while Spain remained settled in Florida, at the south and southwest of the colonies, France was settled in Canada and the Ohio and Mississippi valleys, at the north, northeast, and northwest, thus completely encircling the colonies on the landward side.

Before we leave the Stuart régime, it is to be observed that not only did those four unworthy monarchs make the American colonies pawns and sacrifices in their European games, but they planted here by other and not less hateful means the first seeds of American resentment toward and alienation from the mother country. The first causes of the political—there never was any other than political—animosity of the colonies against England, were not due to any desire or intent of the English people, but were, on the whole, contrary thereto. They were the personal work of those Stuart kings who so often and so flagrantly defied and violated the public will at home in England, who so disgraced and humiliated the English name abroad, and who were, upon the whole, not only among the very worst that England ever had but also among the very worst that any country ever had. Every one of those four kings did something to oppress the American colonies and to implant in them the germs of revolt, though at first it was revolt like that of the English at home in England against Charles I and James II, and not against England but against England's semi-alien oppressors. James I, as we have seen, not only treated the Virginians with monstrous tyranny and bad faith, but also issued a decree forbidding the Puritans to emigrate to America. Charles I issued several decrees to the same effect, forbidding migration without leave, and forbidding shipowners to carry such emigrants. There was never in history a nobler or more profitable bit of fate's irony than in the fact that in this way Charles forcibly detained in England, for his own subsequent destruction, Oliver Cromwell, John Hampden and Arthur Haslerig!

Under the fine statesmanship of the Commonwealth the first definite and consistent colonial policy was adopted by the English government. Then for the first time the colonies began to be regularly treated as something of value, to be cultivated and developed for their own sake and for the sake of the empire. At the same time there first arose in the colonies the political party spirit and divisions which prevailed in England. Before that time there were Cavaliers and Puritans, Tories and Whigs, in the colonies. But they had not ventured to assert themselves as such to any marked degree, save in purely local affairs. To England and the English government they were English colonists and nothing else. It was not safe for so few and feeble a folk, under the arbitrary tyranny of a Stuart, to identify themselves with factional feuds at home. But under the freedom of Cromwell's administration, and with the accompanying growth of the colonies, they felt emboldened to show the political colors which they would have worn had they remained at home. There arose in the colonies parties of Cavalier and Roundhead, Churchman and Independent, corresponding with those in England, and making themselves known and their influence and sympathy felt to their brethren in the mother country. Such party divisions were by no means equal. In New England the Puritans, Roundheads, or Independents were the vast majority, and they governed their colonies in their own way. Much shallow and senseless reproach has been cast upon the New England colonists for coming to America to find "freedom to worship God," and then persecuting others for worshiping Him in a different manner from their own. The fact is that those who came thither for "freedom to worship God" were not the Puritans of Boston and New England in general, but the mere handful of Pilgrims at Plymouth, and these latter were not intolerant persecutors. The persecution of Quakers, Baptists, Episcopalians, and others was the work not of the Pilgrims but of the Puritans, and the Puritans made no pretense of seeking any general "freedom to worship God." So far as they sought such freedom, it was for themselves and for themselves alone. They wanted to worship God in their own way, according to the dictates of their own consciences. Since they were not permitted to do so in England without interference, they came to America, and they did not propose to let their old persecutors or any one else follow them hither to interfere with their freedom here. Harsh as their conduct seemed at times, it was entirely logical and consistent, as a measure of self-protection, and is to be regarded with a certain stern admiration rather than with reproof.

Nor is it truthful or honest to single out Massachusetts and Connecticut for adverse comment, for their alleged intolerance and severity. The other colonies acted in precisely the same way. Virginia, settled and developed by Episcopalians, was every whit as intolerant as Massachusetts. It fined and banished and otherwise oppressed Independents and all who would not conform with Episcopalianism, just as the Massachusetts men treated Episcopalians and Quakers, and it enacted ''blue'' laws as extreme as any ever known in Connecticut. Maryland, the Roman Catholic colony, too, is often cited as a noble example of religious liberty. But the fact is that its tolerance extended to only certain sects. Those holding Unitarian beliefs were savagely outlawed. Any one uttering an oath, or any words that seemed blasphemous to the ecclesiastical authorities, was put to death; and all the people were compelled to eat fish and abstain from meat on Fridays. If there was one entirely free colony among them all, it was that of Rhode Island and Providence Plantations.

Before the middle of the seventeenth century, then, the American colonies had not only established well-defined civil and religious policies of their own, but they had also begun to exert a marked and important reflex influence upon England and upon Europe. In them were nurtured and developed to full puissance much of the independence and love of liberty which presently brought about the British revolution and freed that kingdom from the Stuart incubus. Not a few of the most capable English statesmen of commonwealth and revolutionary days had their training and grounding in practical government in Massachusetts. Charles I, as we have seen, kept Cromwell and Hampden and Haslerig at home. But Harry Vane, and George Downing, and Hugh Peters came to Massachusetts, and in the pure air of that colony developed the qualities which were so strenuously displayed upon their return to England. It is of interest to recall, by the way, a circumstance which, while it has no direct bearing upon our subject, has an indirect significance of the inexplicable manner in which popular sentiments are swayed. Under the Stuarts the British flag, then called the King's colors, was unhesitatingly adopted by the colonies. In spite of the ill-treatment which they suffered at Stuart hands, the colonists were loyal to the Stuart flag, which consisted simply of the Union Jack, the red cross of St. George and the white cross of St. Andrew superimposed, upon a blue field. But when the Cromwellian Commonwealth, which did so much for the colonies, changed the design, putting the Union Jack as a canton in the corner of a red field, as in the British flag of to-day, the colonists would have none of it. They clung to the flag of their oppressors; they rejected the flag of their friends.

With the temporary restoration of the Stuarts, for the complete filling of their cup of wrath, the colonies were made to suffer bitterly at the hands of such creatures as Berkeley and Andros. True, the wise policy of the Commonwealth was not altogether reversed. The colonies were still regarded as something to be prized and developed. But they were to be deprived of their autonomous charters, and developed as crown colonies. They were, moreover, to be kept in that ignorance which is the only foundation of such thrones as that of the Stuarts. Charles II prohibited printing in the colonies, and James II ordered Andros to "allow of no printing press." Berkeley in 1671 officially reported: "I thank God we have no free schools, nor any printing, and I hope we shall not have them this hundred years. God keep us from both!" No wonder that Evelyn, who was one of Charles II's council, tells us in his diary that in 1670 the council was much concerned over New England, "since we understood they were a people almost upon the very brink of renouncing any dependence on the Crown." Yes, just as were most of the people of England itself, and for the same ample reason. It was not yet England that the colonies were turning against, but the criminal tyrants who were misgoverning England, against whom England itself presently rose in righteous and glorious revolt.

Nor was such misgovernment the only grievance of the colonies against the Stuarts. Again and again the supine or corrupt foreign policy of that dynasty made the colonies its victims. In 1632 a treaty was made between Charles I of England and Louis XIII of France, by which Charles restored to Louis absolutely and without demarcation of limits "all places possessed by the English in New France, l'Acadie, and Canada, particularly Port Royal, Quebec, and Cape Breton." To this treaty we may justly ascribe nearly all the subsequent and terribly costly troubles between England and France in America, in which the colonies suffered so severely. Again, in 1654, Cromwell seized Acadia from France; but again the servile Charles II surrendered it in the treaty of Breda, in 1667. In the last-named year, too, Charles became involved in hostilities with

Holland, in which of course the colonies became concerned, and for the next seven years the Virginian coast was subject to periodical ravages at the hands of the Dutch, from which Charles could or would afford no protection. The colonists had given no cause for such treatment by the Dutch. They were the innocent victims of an evil policy in England. The Dutch were striking at England in Virginia, just as the English had formerly struck at Spain in that quarter. The colonists understood all this. But while their disaffection and resentment toward the Stuarts waxed apace, their loyalty to England, as England, remained unimpaired. Therefore they continued to fight freely and valiantly, whenever occasion called, not only for themselves but for England and for the British Empire.

Charles II and James II made themselves vassals and tributaries of France. For that reason their American colonies suffered little molestation from the French. But immediately upon the fall of the Stuarts, the French storm broke. The Stuarts found refuge in France, and France took up their cause, and, following the old precedent, struck at England in America. Under Frontenac, one of the ablest and most ruthless of all French colonial governors, raids upon the northern colonies were begun, and a state of chronic warfare was established which lasted with little respite for seventy years. Already in 1686 the Spanish had resumed hostilities on the Carolina frontier, so that by 1689 there was war all along the landward line of the colonies. In these hostilities the colonists were largely left to their own defense. They suffered terribly, and they also took the aggressive and inflicted heavy blows upon their enemies. Frontenac signalized his first attack upon them with the hideous massacres of Schenectady, Salmon Falls, Casco Bay, and Haverhill. Quickly the colonists responded, not with massacres but with bold campaigns for the conquest of Canada and the expulsion of the French from the North American continent. In 1690 the New Englanders captured Port Royal once more, and at the same time they sent an expedition against Quebec which would doubtless have succeeded had it not been handicapped by the incapacity of the royal governor. In that desperate campaign a thousand colonial soldiers perished, and the colonies incurred a debt of 140,000 pounds sterling, and were compelled to issue the first paper money in our history. In 1649 the French planned a descent upon Boston, which failed. Then there came a brief breathing space in the treaty of Ryswick, in 1697.

In that treaty the arrogance of Louis XIV was first decisively checked. He suffered heavy losses in Europe, he was compelled to recognize William of Orange as the lawful king of England, with Anne as his heir, and the political map of Europe was largely recast. Unhappily the English government thought it politic to give France consolation for those losses at home by restoring Port Royal, thus once more depriving the colonists of the fruit of hard-won victory. Indeed, it was such conduct on the part of the home government that so long extended the struggle for national supremacy in America. Had England and France both kept hands off and let the colonists settle matters for themselves, the settlement would have been prompt, decisive, and lasting. For the English genius of colonization was splendidly at work. The French had settled first upon this continent, and claimed by far the larger area, and France at home was twice as populous as England. Yet the census of 1688 showed only 11,248 French colonists in the whole of North America, while the English numbered more than 207,000. Massachusetts alone had four times and Virginia nearly five times as many citizens as the entire French Empire in America. By 1714 the English population increased to 375,000, and the French to only 30,000. But the colonists were not left to fight it out for themselves. They were still mere pawns in the European game. Nevertheless they were beginning to prepare, perhaps as yet unconsciously, for something better than pawnship. The first Continental Congress was held in these colonies in 1690, and it was held expressly to consider and to deal with the complications in which the colonies found themselves involved through European wars.

The peace of Ryswick was soon broken. Lous XIV, maddened at the check he had received, sought to recoup his ambitious fortunes in another direction. Spain still possessed a vast colonial empire, besides the best strategic position in all Europe, and had within herself still the "promise and potency" of much achievement. His plan was, then, to unite France and Spain under one crown. So he put his grandson, Philip of Anjou, upon the Spanish throne, as the first step toward the union of the two kingdoms in a power that should dominate the Continent. Thus a Franco-Spanish alliance was formed, which presently again circled the English colonies with active foes on all the landward borders. England's response was powerfully made in Europe, and the victories of Marlborough shattered the "great monarch's" power forever. The war was resumed in America, too, largely by the colonists. "Queen Anne's War," between England and Spain, was actually anticipated in America. Before that war was declared formally, the Spanish organized an Indian raid upon the Carolina plantations, which was repulsed by the colonists. Then the colonists sent out a counter-expedition of their own, from Charleston, captured the town of St. Augustine in Florida, and laid siege to the fort, which they would have captured, too, had not a strong Spanish fleet come to its rescue. In 1703 they made another raid into Florida, and in 1706 they beat off an attack of the allied French and Spanish fleets upon Charleston, with heavy loss to the fleet. Nor were they idle at the North. They played a leading part in the recapture of Port Royal in 1710, and of the reconquest of l'Acadie, or Nova Scotia. We must not forget, either, that in 1703 they sent troops to defend the island of Jamaica against invasion, and gave money and goods freely to rehabilitate Nevis and other West India islands which had been ravaged and despoiled. Through these operations, and especially through the abominable massacres instigated or perpetrated by Frontenac and his successors, the New Englanders were imbued with a deep distrust and hatred of the French, which continued to prevail among them for several generations, and which may even to this day be perceived.

The next respite from open war was found in the treaty of Utrecht, in 1713. That making of peace inspired the writing of a sublime "Te Deum," nor was it altogether unworthy of such distinction. The ambitious plans of the French king were hopelessly ruined by the permanent separation of the French and Spanish crowns and the confirmation of the Hanoverian succession in England. At the same time Newfoundland, Nova Scotia, and the great Hudson Bay Territory were finally given to England. Unhappily, also, to the latter was given a monopoly of the slave trade between Africa and North America. But the peace of Utrecht was illusive and of short duration. The French in Canada and the Spanish in Florida never ceased to incite the Indians to hostilities against the English settlers, and within five years open war was resumed. In 1739 the Virginia colonists were upon the point of despatching a strong expedition to Florida, for the conquest and annexation of that country, and Alexander Spottiswoode, the father of American expansion, was to be recalled from retirement to lead it. The next year the colonists sent three thousand men to aid the English in the siege of Carthagena, and in 1741 they sent a still larger contingent at their own expense to assist in the conquest of Cuba. In those years, too, they furnished for England's wars a larger and stronger fleet, in ships and guns and men, than the whole English navy had been at the time of the Great Armada. In 1745 the colonists took the leading part in the capture of Louisbourg. Indeed, all through the wars that ended in 1748 the colonists performed mighty deeds and won great glory. But then came the bungling treaty of Aix-la-Chapelle. Under it Cape Breton Island was restored to France, and the boundaries of Nova Scotia were left undetermined, the French insisting that the English were entitled to only the peninsula, while the English claimed ownership clear back to the St. Lawrence River. The question of the ownership of the Ohio and upper Mississippi valleys was also left unsettled, the French claiming that their Canadian and Louisianian possessions were coterminous, while the English claimed that their Virginian colony extended across the continent. Thus in this treaty once more were fruits of colonial effort sacrificed, and vexatious problems were left for some future time to solve.

That time of solution was, however, coming fast. It was true, as Montesquieu declared in 1748, that "a free, prosperous, and great people was forming in the forests of America." The Americans themselves began to be conscious of that fact, perhaps more so than their English kin at home. At that time the English government, in its colonial department, was not marked with the greatest wisdom or highest efficiency. It was dominated by two men, the Duke of Newcastle and the Duke of Bedford.

There could not easily be imagined two men more unlike. The one was slovenly, fickle, perfidious, cowardly, and base; the other, precise, resolute, loyal, brave, and proud. Happily, Bedford had the more direct control of American affairs. But he was by no means an ideal administrator for the colonies, since he was lacking in both knowledge of their needs and sympathy with their aspirations. Nor was the case helped by making the young Earl of Halifax the First Commissioner for the Plantations. This nobleman was a shallow, pretentious, overbearing youth, with ambitions far beyond his abilities, and an almost total lack of judicial qualities. Ignorant of the state of affairs in the colonies, he began his work by seeking information from the royal governors and others. The reports which he received were probably grossly untrustworthy and distorted. To him, who accepted them as true, they seemed monstrous. From South Carolina he heard that "leveling principles prevail. The people have got the whole administration into their hands." Virginia "had nothing at heart but to lessen the influence of the Crown." In Pennsylvania, he was informed, the "obstinate, wrongheaded Assembly of Quakers pretended not to be accountable to his Majesty or his government." In New Jersey there was "a growing rebellion." New England was, of course, worst of all. There had already been "a rebellious insurrection" in Boston, and that, and similar evil manifestations, arose from the constitution of the colony, "by which the management of it devolves on the populace, assembled in their town meetings."

It does not appear that a more crassly ill-conceived criticism was ever passed upon Massachusetts, or upon any colony in the history of America or of the world, than that directed against the "town meetings." No doubt that feature of the colonial government at that time, as afterward, dominated the colonies and shaped their destinies. But it was in fact, as it was perceived by wiser minds to be, the supreme virtue of the English colonial system, and the secret or one great secret of the success of the English colonies over those of France and Spain. That shrewd and judicious French observer, De Tocqueville, afterward bore witness to that fact, in his "Democracy in America." The French colonies in America failed, he confessed, because they had no such institution as town meetings, and the English colonies prospered and grew into powerful States because they had them. ''Nations which are accustomed to township institutions and municipal government,'' he wrote, ''are better able than any other to found prosperous colonies. The habit of thinking and governing for oneself is indispensable in a new country.'' Never were words truer than those, and it was a part of the condemnation of the British government of those days that it did not recognize the fact. Instead of regarding the town meetings of Massachusetts with suspicion and aversion, it would have been well if Halifax and the others in London had hailed them with approval and encouraged them. But to do so would have been contrary to the spirit of their caste.

The gist of the whole situation was that the spirit of popular government, as against royal autocracy or class privilege, was growing in America. It was also growing in England, too. But it seemed more conspicuous and more menacing in the colonies than at home, and was, moreover, fatuously supposed to be more easily suppressed. So the young Halifax set out to restore the colonies to order by Act of Parliament, much after the manner of the papal bull against the comet. The result was not as mischievous as it might have been, owing to the paramount importance of other issues which arose at the same time. Such mischief as it did was subjective rather than objective. America was not alienated from England by his maladroit efforts, but among certain statesmen in England an unfounded and unfortunate prejudice against America was engendered.

Much more important and more effective was Halifax's effort, at the same time, to settle the questions which had been left open by the Aix-la-Chapelle treaty, and to secure for England her full claims in Nova Scotia and in the Ohio Valley. In Nova Scotia, as we have seen, the English claimed territory extending inland to the St. Lawrence River, while the French strove to confine them to the peninsula. As soon as Halifax made known his plans for enforcing the English claims, the smooth and subtle La Galissonière promptly moved to meet him. He sent Bienville to proclaim French sovereignty in the Ohio Valley, and at the same time, with characteristic ruthlessness, sought to use the simple Acadian peasants as his tools in Canada. His plan was to induce them to remove from their homes on the peninsula, and plant themselves anew on the disputed frontier, there to be a barrier against the English advance. The scheme was as foolish as it was wicked, and would have been quite as ineffectual. The Acadians did not do as La Galissonière suggested. But by his proposal there was begun a train of circumstances which led straight to that most pitiful tragedy of a people, the wholesale expatriation of the Acadians. For that act of the British government history has found few excuses and much condemnation. But at least the condemnation must fall in part upon La Galissonière and his colleagues, and upon those priests who, backed with the authority of the Roman Church, incited the simple-hearted and ignorant Acadian peasants to refuse all recognition of British sovereignty, saying to them from the altar: "Better surrender your meadows to the sea and your houses to the flames, than, at the peril of your souls, take the oath of allegiance to the British government."

The international rivalry in the Ohio Valley became keen in 1751. Louis XV of France personally disclaimed hostile intent, protesting to the British minister at Paris that he was determined to keep the peace. De Puysieux, the French minister for foreign affairs, who had made the treaty of Aix-la-Chapelle, said the same. But the latter was in September of that year succeeded by the pugnacious St. Contest, who sniffed the battle afar off and promptly planned a maritime league against England, in which he was energetically aided by his congenial colleague, Rouille, the minister of marine, who began preparing for war. In all these things Spain took a keen interest, but refrained from any direct participation, preferring wisely to play the opportunist's part in a waiting game. Said the Marquis of Ensenada, the minister of Ferdinand VI: "By antipathy and also from interest the French and English will be enemies, for they are rivals for universal commerce." So he planned to let them fight each other to exhaustion and then at the psychological moment to step in and seize for Spain the spoils of their war.

But there were other forces at work than those at London, Paris, and Madrid. A generation before the illustrious Spottiswoode, that far-seeing, pioneer knight-errant of imperial expansion and of Anglo-Saxon mastery of the North American continent, had blazed in imaginative anticipation the triumphal progress of British arms and the impregnable establishment of British colonists from the shores of the Chesapeake to the brim of the Great Lakes. The dull ears of the lords of trade at London had refused to listen to him. But now the crack of rifles in the valley of the Beautiful River roused them from their deaf lethargy. Dinwiddie and his Ohio Company were forcing the hand of England in the Ohio Valley. George Washington and his "self-willed and ungovernable" followers pushed forward in defiance of France and began at Great Meadows in May, 1754, the war which set two continents aflame and transformed the map of the civilized world. We need not here rehearse the story of that tremendous conflict, the French and Indian War in America and the Seven Years' War in Europe. It was won for England largely by the colonists, who put 20,000 troops into the field, and gave 400 vessels to make England mistress of the seas. The result of it in America was a matter of life and death to England. Had she been beaten, she would have lost her colonial empire and been reduced to the rank of a second-class power. Winning it, as she did, she was made the foremost colonial and commercial power in the world, and France was wholly expelled from the North American continent. That war was precipitated, was forced upon England, by the American colonies, or by the Virginia colony; and was chiefly fought and won for her by the colonists, in 1754 and 1763, who established and confirmed the British Empire, for centuries to come, as the foremost colonial empire and the chief maritime power of the world. They placed the mother country at that time under an indebtedness which the long process of succeeding ages could scarcely hope to repay. Yet in the settling up of the terms of peace at the end of that war, some of the purblind politicians of England actually hesitated for a time over the question of retaining Canada, wondering whether it would not be better to restore Canada to France, and to take instead only the island of Guadeloupe for England. Their argument was that the colonies were already large and numerous enough, and that the French should be left in North America to be a check upon the English colonies and to prevent the latter from growing so large as to overshadow England itself! Such was some English statesmanship in the year of grace 1763.

We must not forget, in passing, the interest of Prussia in that war. It was the Seven Years' War that showed Frederick the Great the foremost military genius and ablest ruler of his age, and that raised Prussia from third-class to first-class rank among the powers of Europe. It put Prussia in the way of succeeding to the headship of the German world, so that, without greatly straining our fancy, we may see in the little skirmish at Great Meadows the beginning of the campaign which led through Dueppel and Sadowa to Sedan and the Hall of Mirrors at Versailles. Again, it was Frederick the Great who, early in that war, declared that "by the law of nations, the goods of an enemy cannot be taken from on board the ships of a friend." That was the first authoritative enunciation of what has come to be one of the most important principles of international law in time of war, namely, that "free ships make free goods." Later, during our revolution, France and other powers took up Frederick's declaration, and induced Catherine of Russia to put it forward as the fundamental principle of the "Armed Neutrality." But it is not to be forgotten that we owe that principle to Frederick the Great, and that it was put forth by him in a war begun by the American colonies, at a time when he and Pitt, Prussia and England, stood alone against the world.

Note also that in the latter part of that war Pitt was compelled to retire from office; and that the wretched bunglers who succeeded him promptly changed their relations with Frederick so that he believed that they had broken faith and betrayed him, thus incurring his wrath, and bringing upon England itself his distrust, contempt, and animosity. It was quite fitting that such a deed should be done by those who proposed to throw away the empire which the colonists had won for them in America, and to retain a French jailer over the freedom of growth of English States. Happily, other counsels prevailed, and England retained for herself the fruits of conquest in America, though with bad faith and fatuity her politicians refused to apportion them equitably among the colonies, and thus sowed seeds of future trouble and disaster. Speaking at the end of that war, in 1762, Granville exclaimed in rapture: "The country never saw so glorious a war or so honorable a peace." The king himself declared: "England never signed such a peace before, nor, I believe, any other power in Europe.'' A few years later that wise and true English patriot, David Hartley, said in the House of Commons: ''In the war of 1756 the Americans turned the success of the war at both ends of the line. Nor did they stint their services to North America. They followed the British arms out of their continent to Havana and Martinique. And so they had done in the preceding war. They were at the siege of Carthagena—yet what was Carthagena to them, but as members of the common cause? In that war, too, they took Louisbourg from the French, single handed, without any European assistance. Whenever Great Britain has declared war, they have taken their part, ever foremost to partake of honor and danger with the mother country.'' That noble eulogium was true and was well deserved by the colonies. Franklin had also truly boasted, in 1768: ''Scotland has had its rebellion; Ireland has had its rebellion; England has had its plots against the reigning family; but America is free from this reproach.''

Down to the treaty of Paris in 1763, then, the English colonies in North America shared the political fortunes of the mother country, in peace and in war. Especially did they incur the enmity of England's chief enemies of those days, France and Spain. In some of the circumstances of the French and Indian War, however, and in some of the conditions of the treaty of peace which was made at the end of it, were planted and developed seeds of revolution, the fruit of which was England's loss of the major part of the empire which she had gained in North America. We have quoted the enthusiastic encomiums pronounced by the king and by Granville upon that war and the treaty of peace. Yet at that very time the king was preparing to establish and maintain a standing army of twenty battalions in the American colonies! Such an establishment was not needed for the suppression of any real disloyalty at that time. It was designed to meet the fictitious conditions which young Halifax had discerned in his alarmist reports. But it materially aided in provoking a revolutionary spirit which neither it nor any available English force was sufficient to quell.

II

INSISTING UPON AUTONOMY

WE have said that a radical change in the political temperament of the colonies occurred in the days of Cromwell. At that time they began to align themselves with the two great parties of the mother country. Down to 1763 they remained entirely loyal to the British connection. Puritans in Massachusetts denounced the Stuarts, and Cavaliers in Virginia washed down a bit of bread with wine and with the toast, "God send this Crum-well down!" Later they were Whig and Tory to their hearts' content. But they were all the time Englishmen, ready to stand for England against all the world. In or about the year 1763, however, another and more ominous change occurred. The colonists then began to regard themselves as Americans. They were still Englishmen, by nativity or ancestry, and by affection. But they began to realize that in some important respects American interests were different and separate from those of England, and they insisted that that fact should be recognized by the English government. For some time American interests had been impaired and ignored, under a series of acts which seemed to be deliberately calculated to put and to keep the colonists in a state of inferiority and degradation. The felling of white pine and pitch pine trees outside of fenced enclosures was prohibited. It was forbidden for a colony to export, even to a neighboring colony, woolen goods or hats of domestic manufacture. A hatter was not permitted to have more than two apprentices at a time. The manufacture of steel, and of various kinds of ironware, was prohibited. The bills of credit which were issued by colonial governments were declared to be not legal tender. With these and similar acts the Americans were driven to seek a vindication of their right to autonomy.

There was as yet no thought of alienation from the British crown. The word "independence" had no place in the political vocabulary of the colonists. But autonomy was demanded. Rather let us say that the maintenance of autonomy was demanded. The colonists held that they already enjoyed autonomy under their charters and constitutions, and when a controversy or a clash arose over it, that was not because they were demanding something new, but because the British government was trying to deprive them of something to which they were entitled and which they already possessed. We shall perceive this the more clearly if we recall an interview between Lord Granville, the lord president of the council, and Benjamin Franklin, the representative of the colony of Pennsylvania, in 1757. ''You Americans,'' said Granville, ''have wrong ideas of the nature of your constitutions; you contend that the king's instructions to his governors are not laws, and you think yourselves at liberty to regard or disregard them at your own discretion. But these instructions are, so far as they relate to you, the law of the land, for the king is the legislator of the colonies!'' This was new doctrine to Franklin, who had always understood that the colonial assemblies were colegislators with the king, just as Parliament was in England. Parliament enacted laws, which required the royal assent before they became valid. The king could make no law without Parliament. So the colonists contended it should be in the colonies. They were as good and true Englishmen as those in England, and they were entitled to as good treatment. Their colonial assemblies, therefore, were to make the laws for the colonies, and the laws thus made were to receive the royal assent before becoming valid. But the king could no more make colonial laws without the coöperation and indeed the initiative of the assemblies, than he could make English laws without the like action of Parliament.

There can be little question that had that contention of the colonists been granted by the English government, the colonies would have remained contented and loyal. The demand was merely for equal treatment of all subjects of the crown, in whatever land. But the British government would not concede it. In England itself the demand for constitutional government through a representative assembly had long been too strong for denial. It was irresistible. But in the remote and comparatively feeble colonies the king and some of his advisers thought autocracy still possible. So it was that Granville assumed the attitude which we have just recalled. So it was that the lords of trade in 1760 reported that they could discern in the colonies a movement and intention "to establish a democracy in place of his Majesty's government," and recommended the taking of strenuous measures for the restoration of the authority of the crown and for checking the growing influence of the popular assemblies.

The colonists were, from their point of view, logical and right in their demand for autonomy under the crown. From the point of view of the crown, however, they were in error. The fact was that the crown was at that time making its last desperate stand for what was known as the king's prerogative, and particularly for that prerogative which embraced autocratic personal authority over the colonies. We must remember that in the fifteenth century the title of all unoccupied lands was vested in the person of the sovereign of the country by which those lands were discovered. That is to say, these American colonies were the property not of the British nation, but of the king. The king alone could sell or give away lands for the founding of these colonies. The crown alone could make and repeal laws, and could appoint and remove governors and judges. Parliament had nothing to do with it. The colonies were not subject to Parliament, but to the king. Their charters were granted not by Parliament, but by the king; and he could amend or abrogate them at will. The colonists were not citizens or subjects of the British Empire; they were the personal subjects of the king.

Now all this was the admitted constitutional law of England. Franklin conceded it, though he declared that the colonies would resist it. The greatest judges of England upheld it. Nevertheless, there was a strong and growing party in England itself which disputed it, or which at least held that the king's prerogative was obsolete and should be abolished. The prerogative had been freely exercised, without question or challenge, by Queen Elizabeth; doubtless because she exercised it wisely and well. Under James I it was called into question, because of his misuse of it. Under Charles I it was denied, and that monarch lost his life because of his stubborn insistence upon it.

Charles II exercised it again, but James II lost his crown because, like Charles I, he insisted upon maintaining it. Finally, under George III this final attempt was made to vindicate that medieval principle, not in England herself, but in her richest colonies. The last battle for the king's prerogative was fought out, as more than one other European battle was fought, upon American soil.

Of course the attitude of the British Parliament was egregiously illogical. It was held by the upholders of the prerogative that the colonies were not under Parliament, but under the crown. Yet Parliament enacted laws for them, precisely as though they were counties of the United Kingdom. The colonists argued that they either were or were not subject to Parliament. If they were, then they were entitled to representation in it and to all other rights of British citizens. If they were not, then Parliament had no right to make laws for them and they owed no allegiance or obedience to it.

In view of this attitude of the colonies the impression arose in England that democracy and secession were arising here. No doubt democracy was developing in America. But it was only the democracy that already existed in England, and that for a century and a half since has prevailed there without overthrowing the crown. The intention was not to establish a democracy in place of, but rather under, his Majesty's government. But the British statesmen stubbornly misconceived the purport of the American demand. When the Americans demanded the maintenance of autonomy under the crown, the king and his courtiers interpreted them as demanding independence and separation from the crown.

Yet there was no such thought in the American mind. In 1762 the British attorney-general, Pratt, said to Franklin that he believed that with all their boasted affection for England, the Americans would one day set up independence. ''No such idea,'' replied Franklin, ''is entertained by Americans, or ever will be, unless you grossly abuse them.'' To Lord Kames, Franklin added: ''The future grandeur and stability of the British Empire lies in America.'' There is no doubt that Franklin was entirely sincere in these statements, and there seems little reason to doubt that he was correct in his judgment of his countrymen and their intentions and desires. We can find no convincing indication that independence was then thought of by any responsible person in the colonies, or that it was thought of for a number of years thereafter save by a very few, and they by no means leaders of public policy.

Public opinion was, however, in the dozen years before the Revolution, in a decidedly inchoate state. America was an ''unlicked cub.'' Dependence upon England for guidance had discouraged the development of strong statesmanship here, and among those who should have been men of light and leading some of the wildest notions prevailed. Jefferson, for example, was preaching that an epidemic of yellow fever was not an unmixed evil, since it would discourage the growth of great cities, and he regarded great cities as ''pestilential to the morals, the health, and the liberties of mankind.'' Artisans and tradesmen he held to be the ''panders of vice and the instruments by which the liberties of a country are generally overturned.'' It was in his view an error to attract hither mechanics or other artisans from Europe, or to establish here manufactures of any kind. It would be better to leave the workmen in Europe, carry food and raw materials to them there, and bring back the finished products. Even the carrying trade should be done by others. He wished the colonists, and the States after independence had been achieved, to ''practise neither commerce nor navigation, but to stand precisely on the footing of China.'' Perhaps in such sentiments were to be found the germs of his hatred of England, the ''nation of shopkeepers.'' But with such statesmanship at the forefront, we may well wonder that America fared as well as it did.

The effort to deny or to withdraw the colonial right of autonomy was strongly made in the enactment of laws taxing the colonies without giving them representation in the taxing body. Dinwiddie, the Governor of Virginia who precipitated the French and Indian War, was the first of the colonial governors to suggest that iniquitous and disastrous scheme; though the same unenviable distinction is also claimed for Shirley of Massachusetts. But the principle had been still earlier enunciated in Parliament. In 1732–33 Parliament enacted laws for the promotion of sugar growing in the West Indies at the expense of

New England, and Rhode Island and Providence Plantations protested against them in a petition to Parliament, on the ground that they violated the charter of that colony. When this petition was announced in the House of Commons, Sir William Yonge opposed the reception of it. ''This,'' he said, ''is something very extraordinary, and in my opinion looks very like aiming at an independence and disclaiming the authority and jurisdiction of this House, as if this House had not a power to tax them.'' Mr. Winnington spoke to the same purport. ''I hope,'' he said, ''the petitioners have no charter which debars this House from taxing them as well as any other subjects of this nation. I am sure they can have no such charter.'' In the end such views prevailed, and the petition was not received. Nor was that the end of that fatuous course of the British government, but only its beginning. It was planned to enact a measure which would specifically and unmistakably establish the principle of taxation without representation, and would check the growing insistence of the colonies upon a rational degree of self-government.

On the fourth of July, 1754, the colonies completed the formation of a general league. It was purposed that a petition should be presented to Parliament asking for the establishment of a general government here, of course under the British crown; under which each colony should retain its internal constitution with only such changes as the formation of the general government made necessary; the government to consist of a president appointed by the crown, and a grand council elected by the representatives of the people. The scheme was that the president should be, in fact, a viceroy, exercising here the powers and functions which the king himself exercised at home; and that the grand council should correspond with Parliament. Moreover, the king should have the power of approval or veto over all acts of this government, which must be transmitted to him for his action. Such was the plan of government which the colonists laid before the British government, with high hopes of its acceptance. At that time the war with France was impending and the colonists expressed full confidence that, if such a system were promptly adopted, they would be able to master the French on this continent without any aid from the mother country.

It is obvious that that plan was a prototype of the forms of government which in later years were granted to Canada, Australia, New Zealand, and South Africa, and under which those countries have enjoyed and are enjoying, and seem likely indefinitely to enjoy, an exceptionally high degree of prosperity and of contentment; and under which, instead of being weaned away from the mother country, they are greatly confirmed in loyalty and devotion to her. There is convincing reason for believing that similar results would have followed the granting of that request of the colonists in 1754. But at that time, to the then ruling statesmen of Great Britain, it savored of secession and of treason. Accordingly, the plan was not approved. Nor was the rejection of it the worst thing that the Westminster government did. It was thought necessary to rebuke so presumptuous an act, and to read a stern lesson to the ambitious Americans. Accordingly the British ministry put forward in its stead a proposal, "That the governors of all the colonies, assisted by one or two members of the councils, should assemble to concert measures for the organization of a general system of defense, to construct fortresses, to levy troops, with authority to draw upon the British treasury for all sums that might be requisite; the treasury to be reimbursed by way of a tax, *which should be laid upon the colonies by an act of Parliament.*" Thus while nominally and plausibly the colonists were to be called upon merely to repay to England the cost of their own defense, there was subtly to be established the principle of parliamentary taxation of the colonists without their representation. This insidious scheme was readily understood in America. Benjamin Franklin dissected and exposed its purpose in a letter to Governor Shirley of Massachusetts, and although Shirley and other governors persisted in approving the plan and in urging upon the ministry its adoption as just, practicable, and expedient, opposition to it became widespread. The General Court of Massachusetts instructed the agent of the colony in London to oppose it and every measure which should have for its object the establishment of taxes in America by the British Parliament on any pretext whatever. In the face of such opposition the measure was dropped, only to have its offensive principle revived at the close of the war which then came on, in a still worse form.

The fatal Stamp Act was introduced by Grenville in 1765. It had previously been suggested to but rejected by Walpole, and had been vainly proposed by Pelham. It had been urged upon Pitt, and planned by Bute. Townshend was eager to support it. The agents of Georgia and Massachusetts in England favored it. The time thus seemed auspicious to establish the authority of England over the colonies and to put a quietus upon the colonial assumption of autonomy. Grenville made, it is true, a pretense of deferring to colonial wishes. He told the agents of the colonies that he was willing to substitute for the stamp tax any other form of taxation which would produce the necessary revenue, and which might be more agreeable to them. With much shrewdness he suggested that they had thus an opportunity of establishing the precedent that they were to be consulted before taxes were imposed. But this specious pretense did not deceive them. It was too obvious that he was endeavoring to trick them into an approval of the principle of taxation of the colonies by a parliament in which they had no representation.

That was on February 13, 1765. Franklin expostulated with Grenville, personally, persistently, and vehemently. But it was in vain. ''The tide was too strong against us,'' wrote Franklin. ''The nation was provoked by American claims of independence, and all parties joined in resolving by this act to settle the point. We might as well have hindered the sun's setting.'' So the act became a law on March 22. Whether Franklin was right in his estimate that the whole English nation was provoked against America, may be open to question. If it was so, beyond doubt that state of affairs did not last long, as we shall presently see. Moreover, if it was so, that provocation was caused by misapprehension—the misapprehension of American intentions, to which we have already referred. The ''independence'' which Americans then had in mind was not the independence of 1776, but mere autonomy under the Crown, such as Franklin had contended for and Granville had sought to deny ten years before.

The ill-conceived act did not last long. But it did much mischief in America. It not only strengthened the insistence upon autonomy, but it also gave rise to the first audible suggestions of secession and independence. Generally, we must remember, the act was acquiesced in, with regret but with loyal submission.

Franklin exhorted his countrymen to meet extortion with thrift. The very night that the act was passed, he wrote to Charles Thomson, who was afterward secretary to the Continental Congress, "The Sun of Liberty is set; the Americans must light the lamps of industry and economy." To this Thomson replied emphatically, "Be assured we shall light torches of quite another sort!" Even so fervent a patriot as James Otis, however, counseled submission to the law. It was an evil law, but no people could expect to have all their laws wise and righteous. The best way was to accept it, bear it as best they could, and work patiently for its repeal. Otis and Franklin, with many others in America, and Grenville, Adam Smith, and others in Great Britain, favored a solution of the trouble in Imperial Federation, proposing to give the colonies representation at Westminster; a proposition which, in various forms, has figured conspicuously in British imperial politics in our own time, and is still a vital and important issue.

One man in America, however, almost alone at that time, resolutely opposed all such schemes, opposed acquiescence in the law, and began to advocate separation from the British crown. That man was Samuel Adams. When the enactment of the Stamp Act was announced in 1765, he counseled resistance to it. He was equally outspoken against imperial federation. The distance of the colonies from England was so great, and communication between the two countries was so imperfect, he argued, that the colonial representatives would quickly lose touch with their constituents and be unable to serve their interests aright. Such representation would not be effective. It would not be equal to that of the British constituencies. Therefore it would in principle be no better than none at all. It may be that Adams carried his point a little too far in some directions, but there is no doubt that in the main it was a valid one, and that for the reasons which he set forth imperial federation would have been unsatisfactory at that time. Indeed, we cannot conceive of its being entirely satisfactory until the latter part of the nineteenth century, when swift and frequent steamships and a constant cable service brought America and England closer together than Yorkshire and Middlesex were in Grenville's time.

Samuel Adams went further, however, than that. He began as early as 1765, because of that Stamp Act, to suggest and to counsel independence. This we have on the testimony of Hutchinson, the Chief Justice of Massachusetts, and we see no reason for doubting the truth of it. Indeed, no reason appears why Adams's warmest friends should wish to deny it. In 1768 it is a matter of record that Hutchinson forwarded to London the sworn testimony of Richard Sylvester of Boston, that Samuel Adams had urged a number of men to "take up arms immediately and be free." It might have been advisable for Adams at that time to avoid credit for such utterances, seeing that they would have endangered his neck. But why should we at this date deny him the honor of having been so far in advance of his fellows the seer and forerunner of independence?

We have said that the Stamp Act was short lived. Just a year after it was made it was destroyed. Conway, the minister for the colonies, moved for its repeal on February 21, 1768, and on March 18 the repeal was effected. Enactment had taken thirty-seven days; repeal took only twenty-five. Moreover, the king did not sign the bill on its passage, being incapacitated by insanity; but he did sign the repealing act. It is mournful to record, however, that the repeal was unpopular in England. The nation generally seemed displeased with it, thus corroborating Franklin's testimony of a year before as to the animosity of all men of all parties. We have attributed this insane passion to misapprehension of America's real intent. There must also be taken into account England's ignorance of America in nearly all respects. The natural circumstances cited by Samuel Adams to show the inefficiency of American representation at Westminster served equally to keep Englishmen in England ignorant of America, not only of its desires and intentions, but also of its powers and resources. So it came to pass that the repeal in turn was scarcely longer lived than the act which it had abolished. The unpopularity of the repeal encouraged the half-crazy king and his worse than crazy courtiers to seek a renewal of the oppressive policy. Pitt, the world's foremost champion of freedom at that time, was sent into the House of Lords; the brilliant, plausible, cynical, conscienceless Townshend gained the ear of the king; and then—the deluge!

It is to be observed, too, that the act repealing the obnoxious

Stamp Act was an altogether illusory measure. It was proposed and supported by the friends of America and of British constitutional liberty. But it was coupled with another measure which made it not unacceptable to the purblind upholders of autocracy. The real question at issue was not the amount of tax levied upon America. The colonies would have been able to pay ten times as much without suffering. It was the question of abstract principle, whether the British government had a moral and constitutional right to levy any tax whatever upon the colonists without their consent. That was the real issue. Samuel Adams emphasized it again when he led the Massachusetts Assembly to protest against the Stamp Act because it tended "to destroy that equality which ought ever to subsist among all his Majesty's subjects." Englishmen in England could not be taxed without their consent. Was it right to tax Englishmen in America without their consent? Pitt in the British House of Commons and Camden in the House of Peers had unhesitatingly said, No! They had urged that the Stamp Act should be repealed, and not only that, but that the reason for its repeal should be plainly stated, namely, that it "was founded on an erroneous principle." They wanted the British government to admit that it had no right to discriminate between two classes of British subjects, and no right to tax one class—colonists—without their consent. But Pitt and Camden were voted down. The repeal was indeed voted. But with it was adopted a Declaratory Act, explicitly reasserting that Parliament had a right to make laws binding upon the colonies "in all cases whatsoever." That was really more mischievous than the original Stamp Act. For while the Stamp Act was repealed, the vicious principle upon which it was based was reaffirmed.

May 13, 1767, was the day selected for sounding the knell of the British Empire in these States. On that day all Americans, even the official representatives of the colonies, were excluded from the precincts of the House of Commons. An evil deed was to be done, and it was to be done in secret. Townshend performed the congenial task with avidity. He laid before the House a scheme for taxing the American colonies, which for subtle and ingenious malice has probably never been surpassed, if equaled, in the history of evil government. It was not a renewal of the Stamp Act, but an imposition of port dues and duties. Now the Americans had objected to the Stamp Act, which was internal taxation, on principle. But at the same time they conceded, on principle, the right of the British government to regulate commerce, with tariffs, port dues, and such forms of external taxation. Townshend therefore, with exquisite malice, planned to take them at their word, or at the letter of their word. He would not impose the kind of tax to which they objected. He would tax them in the way in which they declared their willingness to be taxed. But he would do so in so offensive, despotic, and oppressive a manner as to make the system far more objectionable than the one which had been repealed. He therefore prepared and introduced a series of bills which stand to this day an unsurpassed monument of folly and wickedness. It was not, again, the amount of the tax that was objectionable. That the colonists were easily able to bear. It was not the principle of such a tax. That, the colonists conceded. It was the way in which that tax was to be levied and collected. There is no exaggeration in saying that the execution of those laws would have destroyed the charter rights of the colonists, the local liberties of the municipalities, and even the personal freedom of the citizens. Nor is it easy to believe that such was not Townshend's deliberate design. He meant to show the American colonists, once for all, that they had no rights which the Government in London was bound to respect.

In such fashion were the destinies of the colonies to be disposed of, without their consent or representation—in the circumstances of the moment, without even their knowledge! Despite the earnest opposition of some, who were equally friends of America and of England, the bills were enacted in the course of a few weeks. In the following September, Townshend died, leaving a legacy of incalculable mischief to his successor, the amiable and benevolent but hopelessly pliable and subservient Lord North. For a little time longer the friendly Shelburne remained in the colonial office, to temper to America the harshness of the royal will. But soon he was displaced in favor of that most ignorant and pig-headed of Irishmen, Lord Hillsborough. The latter began his brief but mischievous career by grossly insulting Franklin, but happily was in a little time forced by

Franklin to resign the office which he so egregiously dishonored. After him came Lord Dartmouth, who did his best for peace and justice. But it was in vain. A principle was at stake. Had England a right to tax the colonies without their consent? England had committed herself to the affirmative answer, and from that position she would not recede.

The Stamp Act was not the only measure which provoked resentment in the colonies. Away back in the reign of Charles II acts were passed forbidding commerce to or from the colonies in any save British or colonial ships. This was aimed principally at Holland, and was another illustration of the way in which these colonies were dragged into European controversies. Then it was forbidden the colonies to send their chief products to the markets of any other country than England and her possessions. Again it was enacted that no products or manufactures of Europe should be brought to these colonies save in British-built ships sailing from British ports. Still more, it was decreed that one of these colonies should not trade directly with another in certain articles, but must do so by way of England. That is to say, Virginia could not ship tobacco to New York directly, but must send it to England and thence back to New York; though it was provided that it might be shipped directly from one colony to another on payment of a tax upon it equal to the customs duties it would have to pay in England. These laws were not, it is true, enacted for the oppression of the colonies, but for the fostering, protection, and development of British trade; and the colonies had certain compensations for them, in acts forbidding Englishmen to get supplies of certain commodities anywhere else than from the colonies. Thus, Virginia was compelled to send her tobacco to the English market. But on the other hand the English market was forbidden to get supplies from any other source than Virginia. It was made a serious crime for an Englishman to grow tobacco in his own garden for his own use. He must get it from Virginia. These laws, enacted a hundred years before, were maintained and enforced down to the time of the Revolution.

The year following the enactment of Townshend's Act, 1768, was one of the most momentous in colonial history. Hitherto the colonists had denied the authority of Parliament, since they had no representation in it. Now they took the extreme step of denying the royal prerogative. In February of that year the Massachusetts general court adopted a so-called Circular Letter, addressed to the assemblies of the other colonies. Of this document Samuel Adams was the author, and it was probably his ablest and best production. The purport of it was that if the injustice and oppression of the measures which Townshend had imposed upon them were to be successfully resisted, the colonies must stand and act together. A copy of it was sent to England, and was laid before the ministers. There it caused much excitement, and provoked the British government to the making of perhaps the greatest mistake which it made in all that time of blunders. Down to this time the ministers and Parliament had maintained at least a pretense of constitutionality in all their dealings with the colonies. But now the notorious Hillsborough threw constitutionality to the winds. In the name of the king he peremptorily ordered the Massachusetts legislature to rescind the Circular Letter, under penalty of immediate dissolution; and at the same time he ordered the other colonial assemblies to disregard the message from Massachusetts. The reply was unequivocal. By a vote of 92 to 17 the Massachusetts assembly refused to rescind the letter, disobeyed Hillsborough's command, and defied the authority of the king. Thereupon the British government ordered more troops to Boston. The colonists called and held a provincial convention, in which ninety-six towns and eight districts were represented, and though the royal governor ordered it to disperse and threatened it with heavy penalties, it did its work, recited the grievances of the colonists, and protested against having a standing army saddled upon them. That was the high-water mark of colonial spirit before the battles of Lexington and Concord.

Parliament met in November, and with a weak, vacillating, divided ministry persisted in its fatuous course. Riots and the Boston Massacre followed, and years of disturbance and discontent. England herself was thus fertilizing the soil in which Samuel Adams was planting the seeds of revolution. Franklin certainly had not been and was not yet a secessionist. But he was a man of clear and discerning vision. In 1769 he reported that matters were tending more and more toward "a breach and final separation'' between England and America. Two years later, although he was constantly and energetically working for peace and union, he saw that the tax laws contained the seeds of ''a total disunion of the countries, though as yet that event may be at a considerable distance.'' That was in 1771. In November, 1772, Samuel Adams moved, in a Boston town meeting, that ''a Committee of Correspondence be appointed . . . to state the rights of the colonists . . . and to communicate and publish the same to the several towns and to the world.'' This committee was imitated by other Massachusetts towns, and led the Virginia House of Burgesses, in March, 1773, to adopt resolutions recommending the creation of an intercolonial Committee of Correspondence. It was this latter body which in 1774 called together the first Continental Congress and recommended the creation of a continental army.

Samuel Adams kept on with his propaganda of independence. He was still a voice crying in the wilderness, but people were more and more listening to him. In September, 1773, he publicly proposed in a newspaper ''that a Congress of American States be assembled as soon as possible; draw up a Bill of Rights; and choose an Ambassador to reside at the British Court.'' A month later he urged in like manner that the colonies should ''form an Independent State, an American Commonwealth.'' In a private letter he wrote: ''If the British administration and government do not return to the principles of moderation and equity, the evil which they profess to aim at preventing will the sooner be brought to pass, namely, the entire separation and independence of the colonies.'' While thus American sentiment was being prepared for war and independence, there seems to have been a reaction in England, such as there certainly was a little later. Franklin, who had reported the whole English nation to be arrayed against America, in 1774 declared that while angry writers in England were trying to make out that the impending war with the colonies would be a national and popular war, in fact it would be nothing but a ministerial war. In February, 1775, he was still looking for a victory over the ministry and it was not until the following month, when he sailed for home, that he abandoned that hope and regarded war as inevitable.

An interesting and instructive exposition of some British views at this time is afforded to us in the letters of Horace Walpole. Writing in February, 1774, he said: "The ministers have a much tougher business on their hands, in which even their factotum, the Parliament, may not be able to insure success—I mean the rupture with America." In November of the same year he wrote: "Every day may bring us critical news from America. I am in perfect ignorance of the situation of affairs there." And a few days later: "There are advices from America that are said to be extremely bad. I don't know the particulars, but I have never augured well of that dispute. I fear we neither know how to proceed or retreat." Still more to the point, in December, 1774, commenting upon the acts of the first Continental Congress, which had then met, he wrote to H. S. Conway: "The Americans at least have acted like men, gone to the bottom at once, and set the whole upon the whole. Our conduct has been that of pert children; we have thrown a pebble at a mastiff, and are surprised that it was not frightened. Now we must be worried by it, or must kill the guardian of the house." The acts to which he referred were the resolutions against receiving taxed goods, and for sending a petition of rights to the king, to the House of Commons and to the people of England, and the demand for the repeal of various acts of Parliament affecting the colonies.

There were various other causes, besides this supreme question of principle, which led to the final breach between England and the colonies and caused the latter to establish independent relationship with the nations of the earth. One of these was the arbitrary conduct of the British government at the end of the French and Indian War, in annexing the Northwest territory to Canada, instead of granting it to Virginia. That was not merely a denial of Virginia's expectations and desires. It was a violation of explicit grants formerly made. The English government had conceded that region to Virginia. That was why Dinwiddie had sent the Ohio Company—a Virginia concern, with a Virginia charter—into the wilderness to take possession of the Ohio and Miami valleys. That was why Virginia troops, under command of Washington, had confronted and fought the French at Great Meadows and elsewhere. It was a grievous wrong to despoil the colony, or the colonies, of territory to which the colonial title had been made clear, both in treaties and on battle fields. Again, there was the military spirit, and the spirit of self-reliance which had been developed in all the colonies by years of fighting. In England's wars the colonists had been made soldiers, and had acquired military leaders. They now realized their power, and began to feel able to cope even with England herself. They had seen on more than one field the proved superiority of colonial levies over British troops of the line, especially in the irregular manner of warfare which would naturally prevail to a considerable extent in any conflict upon this continent. They realized that they were strong enough to be warranted in insisting upon what they believed to be their rights.

To these causes we may justly add the insidious and generally malicious incitements of aliens, and especially of the French. During the years between the treaty of 1763 and the outbreak of the American Revolution, French emissaries were busy in the colonies, adding fuel to the fire of discontent, uttering or suggesting evil against England, hinting at substantial aid for the colonies from other lands in case of rebellion, and in every possible manner promoting the movement for revolution. Their object in this was not recognized by the colonists at that time, or not clearly. It is now patent. They were once more attempting to strike at England in her colonies and to wage a European war in America. Under the genius of the elder Pitt, England had inflicted staggering defeats upon France, and France wanted revenge. She had no hope of securing it by direct attack upon England, and she had no stomach for the attempt. But if she could stir up strife between England and the American colonies, she might gain her end in the most complete and effective way. In such a conflict one side or the other would triumph. If the colonies triumphed, England would be robbed of her richest possessions and perhaps be reduced to the rank of a third-rate power; and the colonies themselves, in their independence, would be so weak that, deprived of the protection of the mother country, they would fall prey to France and the latter would thus regain the American Empire of which England had robbed her. On the other hand, if England won, she and the colonies would both be much impoverished and weakened by the war, and might then be overcome by France in a timely assault. But France did not expect nor intend that England should win. Her plan was to provoke the war, to let it run on for some years, until both combatants were much exhausted, and then herself to intervene with all her might in apparent behalf of the colonies. That would ensure the defeat of England, and give France a hold upon the colonies which she could easily improve in the acquisition of the major part of North America.

With such aims Frenchmen lost no opportunity to suggest to Americans: "To what end have Americans lavished their blood, encountered so many dangers, and expended so much treasure, in the late war, if the English supremacy must continue to press upon them with so much harshness and arrogance? Is it not time that Americans, no longer in a state of infancy, should at length consider themselves a nation, strong and formidable in itself? Let the Americans, then, seize the occasion, with a mind worthy of themselves, now that they have proved their arms, now that an enormous public debt overwhelms England, now that her name has become detestable to all! America can place her confidence in foreign succors. . . ."

Nor were these suggestions void of plausibility. England had indeed incurred a large measure of that jealous detestation which is the common penalty of prosperity. She had been too successful. She had expelled France from America and secured for herself a dominant territorial establishment in this continent. She had beaten down Spain and treated her as a negligible factor in the problem. She had wrested from France another great empire in the Far East. To Holland, too, she had been the cause of many losses, in more than one continent and ocean, and she had imperiled the colonies and commerce of that nation. Under the sway of Pitt's successors she had abandoned Prussia and incurred the bitter resentment of the great Frederick. Nor were Russia and Sweden kindly inclined toward her. In all parts of the world England seemed to be aiming at the sovereignty of the seas, and though the "influence of sea-power in history" had not then been philosophically set forth, it was instinctively perceived that sovereignty of the seas meant more than half the control of the land as well. Against such approach toward universal dominion there arose well-nigh universal opposition, active or passive. The memory of defeats in war, of losses of territory, of seizures of ships on one pretext or another, of the arrogance which the English too often exhibited in dealing with others, the dread of further aggressions by these formidable islanders—these and a multitude of other motives combined to inspire the nations of Europe to desire the humiliation of England and the breaking of her mighty power. Not one of them, it is true, nor any practicable combination of them, would venture to undertake the formidable task. But if the chief English colonies could be incited to do so, and to be the tool of Anglophobic Europe? It would be a fine variation of the old fable, for the rats to get a bell tied upon the cat, and the cat's claws clipped, by one of that cat's own kittens.

How much or how little influence such European desires and suggestions had upon American action, we may not now determine. That those desires were strong, and those suggestions, incitements, urgings, promises, and what not were numerous, there can be no question. That without any of them the American colonists would in time have proceeded to declare and to establish their independence, is not to be doubted. Patrick Henry, in his "Liberty or death!" speech in 1775, referred to the hopes of aid from abroad which had been aroused, when he said: "We shall not fight our battles alone. There is a just God . . . who will raise up friends to fight our battles for us." Nevertheless, he did not wholly rely upon such hopes, for in the same speech he declared the ability of the colonies to win their liberty single-handed. "Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us."

The promptings of France are to be recalled, then, as indicating not so much the cause of the revolution as the attitude and temper of the European mind at that time toward the colonies and toward England. The colonies had been hated and assailed so long as they were loyal English colonies, because of that very loyalty and that English connection, and the foes of England had struck at England by striking at her colonies. Now that the colonies were becoming disaffected toward England, the temper of England's foes toward them changed. The continental powers sought to strike at England again through her colonies; not, however, by striking at the colonies, but rather by helping or instigating them to strike at England. That was not, moreover, because of any love for the colonies, but because of hatred for England. Let that fact not be forgotten. It was at the time scarcely concealed by any of the European powers. It was cynically confessed and avowed by the foremost of them. It was doubtless perfectly well understood by the clearest-headed of the colonists, and went far, as we shall see, toward determining their subsequent policy toward the European powers.

More than a century and a half of colonial history, then, brought us to the verge of the Revolution, with this record of foreign relations. We had come into actual contact with only five powers. With one of them, Sweden, our relations had been so slight as to be negligible. With Holland, too, they had been comparatively slight; at first friendly, but later, through Stuart iniquity, hostile. With two others, Spain and France, they had been from the first close and important, and they had almost invariably been, for England's sake, unsympathetic, and most of the time actively hostile. With the fifth, England herself, we had been identified. Her relations had been our relations. Now a radical change was impending. We were about to destroy our identity with England, to establish temporarily hostile relations with her, and to create for ourselves for the first time an independent set of relations with all the world.

III

INDEPENDENCE DECLARED

AMERICAN independence is commonly dated from July 4, 1776. The rise of the irresistible spirit of independence, and the practical commitment of the colonies to that policy, had a somewhat earlier date. We have seen that in 1772, in a Boston town meeting, Samuel Adams secured the appointment of a Committee of Correspondence, for communication and coöperation with other towns. Four months later the Virginia House of Burgesses adopted the same idea and extended it to intercolonial scope. A year and a half later still that system bore its richest fruition in the assembling of the first Continental Congress. This body met at Philadelphia on the fourth of September, 1774. It has been pronounced, and probably was, the ablest legislative body of equal numbers ever assembled in the world. That it opened the way for independence, and made it practically certain that the colonies would pursue that way, is not to be doubted. At the same time it is equally beyond doubt that it made no overt move toward independence, but on the contrary scrupulously avoided any mention of such a thing. All the members of the Congress were land-owners, and therefore conservatively inclined. Some of them were among the richest men in the colonies. Some of them came under explicit instructions from their constituents to use all their efforts for restoring amicable relations with the mother country, though on a basis of liberty; that is, the same liberty in the colonies that was enjoyed in England. Others were specially instructed to seek an improvement of commercial conditions. Still others were uninstructed, and were left free to act according to their own judgment. It does not appear that a single one was instructed or desired by his colleagues to vote either for submission to England or for independence.

The sentiment in favor of independence, so far as it existed at all, was then chiefly confined to Massachusetts. When John Adams and the other Massachusetts delegates to the Congress reached Philadelphia, they were met and taken into confidential council by Rush, Mifflin, Bayard, and other Philadelphians, who earnestly urged them to keep their independence views under cover. "You must not," they said, "utter the word 'independence,' nor give the least hint or insinuation of the idea, either in Congress or in any private conversation; if you do, you are undone, for independence is as unpopular in the Middle and South as the Stamp Act itself. No man dares to speak of it." It is not for a moment to be imagined either that these Philadelphians were insincere or that they were misinformed and ignorant of the state of affairs in the middle and southern colonies. On the contrary, there is every reason for believing that they spoke the precise truth. Of all the colonies, Massachusetts and Virginia were most purely English in origin and composition, and since the demand first for autonomy and later for independence was an English demand for equality among Englishmen, it was naturally strongest and most prompt in those colonies. Moreover, it was a little more prompt in Massachusetts than in Virginia, for the reason that the former was chiefly a Puritan colony, formed by Dissenters from the State Church of England and therefore more inclined toward independence, while Virginia was preëminently a colony of Episcopalians, who were more generally inclined to respect the "divine right of kings" and to hesitate before setting the royal will at defiance. Nevertheless, it is to be recorded that the Episcopalians of Virginia were second by only the narrowest of margins to the Dissenters of Massachusetts in demanding "Liberty or death!" and in devoting to that cause their lives, their fortunes, and their sacred honor.

With such warning and exhortation, then, Adams and his colleagues from Massachusetts kept their designs of independence, so far as they had yet developed them, hidden in their own hearts. From beginning to end that session of Congress made no reference to indepenednce, but acted as though such a thing had never entered into its dreams. One of its most important acts was to form a so-called association, which solemnly declared that after December 1, 1774, its members, in order to compel redress of their grievances, would neither import nor consume any goods of British origin, nor export goods to Great Britain, Ireland, or the British West Indies. Another highly important work was a continuation and further development of the work of the Committee of Correspondence through which it had been called into being. It appointed a committee, "to state the rights of the colonies in general." The foremost member of that committee was John Jay of New York. He declared that it was necessary "to recur to the law of nations and the British constitution to ascertain our rights." This appeal to the British constitution indicated that he had in mind merely the securing of equal rights with other Englishmen, rather than independence of the British crown. His view, moreover, was accepted by Lee and Livingston, his colleagues on the committee, and he was appointed by them to draft an address to the people of Great Britain. In that address he said: "We consider ourselves, and do insist that we are and ought to be, as free as our fellow subjects in Great Britain. We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independence; but these are mere calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness. Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored." Now Jay was not only one of the youngest and most intrepid men in the Congress. He was one of the most fervent and aggressive patriots, as his subsequent career showed. Yet here he was in September, 1774, deliberately declaring, and committing the Congress and the nation to the principle, that a restoration of the state of affairs that existed in 1763 would be entirely satisfactory to the colonies. It is impossible to doubt either that he was sincere or that he correctly expressed the temper of the Congress, which adopted his address. The other addresses adopted by the Congress, to the king, and to the colonies of Canada, Newfoundland, Nova Scotia, and Florida, corresponded with this in tone. There was no hint anywhere of independence.

When the British Parliament met in the late fall of that year, the ministry seemed at first to be impressed by the unanimity and earnestness of the Americans and to be inclined toward an amicable adjustment of affairs with them. Lord North intimated to various American merchants in London that if they presented petitions they would be received with courteous attention. Then came news that New York refused to stand with the other colonies in the association, in refusing to receive British merchandise. That circumstance was due partly to the presence in New York city of a large faction of so-called Tories, and partly to the commercial spirit of the place, which for the time preferred profit to patriotism. The news apparently persuaded the British ministry that the colonies were not united, after all, and that therefore their petitions and those of their friends in England might prudently be ignored. Accordingly, after a debate, the House of Commons refused to receive the petition of the American Congress, which had been addressed to the king and by him referred to the House. It even refused to give a hearing upon the subject to Franklin and his fellow commissioners. And it gave the same inhospitable treatment to petitions which were presented in behalf of the colonies by the West India Islands, and by the cities of London, Liverpool, Manchester, Birmingham, Bristol, Norwich, and Glasgow. These cities implored Parliament to restore the calm and friendly relations which had formerly prevailed between Great Britain and the colonies. But all was in vain. The House of Commons curtly threw the petitions into the wastepaper basket. More than that, on February 2, 1775, on the initiative of Lord North, Parliament proposed, in its address to the king, that the province of Massachusetts should be declared to be in a state of rebellion, supported and fomented by illegal combinations and criminal compacts with the other colonies. Following this a bill was enacted forbidding the colonies, since they would not trade with Great Britain, to conduct commerce with any other country. New York and Georgia, which had refused to enter the association, were excepted from the operations of this act.

That memorable First Continental Congress, then, spoke no word for independence, but adjourned without indicating that it had any such measure in mind. On adjournment, it provided for another Congress in May, 1775, to which it invited Canada and the other British colonies to send delegates—an invitation which was not accepted. The meeting of this second Congress commanded of course much attention not only in England but also on the continent of Europe. In England, as we have seen, the ministerial party regarded it with disapproval amounting to detestation, and called all who were concerned in it rebels. At the same time the unanimity with which the colonies united for coöperation was a cause of surprise and concern. The large commercial cities, for the sake of business interests, begged Parliament to be conciliatory. On the part of the people generally, however, there was a large degree of apathy and weariness. For ten years the controversy over American affairs had been going on, and the people of England were tired of it. There was no thought nor fear of a revolution for independence, and a suggestion that such a movement could be successful against the might of Great Britain would have been received with incredulity and derision. The general expectation was that the matter would be settled by mutual concessions and compromise. At the beginning of 1775 that shrewd observer and caustic critic, Horace Walpole, wrote of the attitude of the Government toward the American Congress: "They are bold Ministers, who do not hesitate on a civil war in which victory may bring ruin." Walpole was no admirer of Lord Chatham, but in this same letter he wrote of him, referring to his championship of the American cause: "He will certainly be popular again with the clamorous side, who no doubt will become the popular side, too." On the continent of Europe the general feeling was one of opposition to England more than sympathy with America. If the Congress was a source of embarrassment and menace to England, so much the better for England's rivals and foes. But this feeling was more official than popular. The masses of the people in continental countries were not sufficiently acquainted with the state of affairs in America to have any marked sentiments in the matter. In England there was a considerable popular knowledge of the situation and popular sentiment. But there was also much apathy.

The second Congress met in Philadelphia on May 10, 1775. Much had occurred meanwhile to strain further the relations between the colonies and England. Lexington and Concord had been fought, and Patrick Henry had uttered his immortal appeal for "Liberty or death!" It is, by the way, not at all certain that Henry in that speech meant independence. He made no direct reference to it, or to anything more than a gaining of equal rights and liberties with the other subjects of the British crown. For these he would fight, as Englishmen had fought before, in England itself. So the second Continental Congress met, like the first, without any independence in its program. John Adams and Thomas Jefferson were members of it, but they began their work without so much as speaking the word independence. Jay also was there, pursuing his former policy. He urged the sending of a loyal address to the king, and Congress agreed to it. Down to that time, he afterward declared, he had never heard any American express a wish for the independence of the colonies. Jay was a New Yorker, and had not come into contact with Samuel Adams. But Adams stood almost alone, and there is no doubt that Jay's statement was quite true. It is probable that outside of a limited number in Boston, scarcely any one in the colonies had proposed independence or had heard it proposed.

This session of Congress lasted until August 1, and then adjourned for five weeks. During that session, the battle of Bunker Hill was fought, and the colonies formed a provisional union and organized a continental army. Franklin proposed a confederation of the Thirteen Colonies, Canada, the Floridas, the British Indies, and Ireland—a proposition which was never acted upon. But yet there was little thought of secession from the British Empire, and no official mention of independence. Congress, in an address drafted by Jefferson, set forth its reasons for taking up arms. "Our cause," it said, "is just, our union is perfect, our internal resources great, and, if necessary, foreign assistance is undoubtedly attainable. Before God and the world we declare that the arms we have been compelled by our enemies to assume, we will employ for the preservation of our liberties; being, with one mind, resolved to die free men rather than live slaves." This, it will be perceived, was practically a paraphrase and adaptation of Henry's great speech, which had so impressed Jefferson. Thus far, like Henry's speech, it made no declaration for independence. But then it added: "We have not raised armies with designs of separating from Great Britain and establishing independent States. Necessity has not yet driven us into that desperate measure.'' There can be no question that this statement was entirely honest and sincere. It was followed with an address to the king, drafted by Dickinson, which said: ''We beseech your Majesty to direct some mode by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation.'' On the same day, July 6, 1775, the Congress wrote to the corporation of the City of London that ''North America wishes most ardently for a lasting connection with Great Britain on terms of just and equal liberty.''

Another letter was addressed to the people of Ireland. This related the grievances of the colonists, and also referred to those which Ireland was suffering. This must be regarded as an exceptional step, and as an attempt, in classic phrase, to ''carry the war into Africa,'' by fomenting trouble for England in the adjacent island. It was notorious that the Irish were, for many reasons, dissatisfied with British rule and felt themselves to be suffering various grievances. The American colonists seem to have endeavored to take advantage of this fact, and to incite the Irish to increased hostility to England. ''We know,'' they said, ''that you are not without your grievances. We sympathize with you in your distress, and are pleased to find that the design of subjugating us has persuaded the administration to dispense to Ireland some vagrant rays of sunshine. Even the tender mercies of government have long been cruel toward you. In the rich pastures of Ireland many hungry parasites have fed and grown strong, to labor in its destruction.'' Still there was no mention of American secession, nor any incitement to such action in Ireland. ''God grant,'' it said, ''that the iniquitous schemes of extirpating liberty from the British Empire may soon be defeated. We have taken up arms to defend it.'' That is, the colonies had taken up arms to defend and maintain liberty within the British Empire, not to seek it outside. Similar in tone was the letter addressed to the people of Canada, and indeed such was the whole spirit of the Continental Congress, from May 10 to August 1, 1775. When, a little later, that body was accused of having ''aimed at independence,'' John Jay indignantly and effectively repudiated the "malice and falsity" of that "ungenerous and groundless charge," and quoted the "Journal" of Congress in support of his contention. "To charge the Congress," he said, "with aiming at the separation of these colonies from Great Britain, is to charge them falsely and without a single spark of evidence to support the accusation."

Nothing could have been worse than the British government's response to the American Congress. Horace Walpole, whom we have already quoted, wrote of it, in September, 1775: "I most heartily wish success to the Americans. They have not made one blunder; and the administration have made a thousand, besides the two capital ones of first provoking and then uniting the colonies." Instead of resorting to reason, to conciliation, or to abatement of grievances, it persisted in brute force. As if to make that evil policy as evil as possible, it sought to employ alien and mercenary force. As early as August, 1775, application was made to the Empress of Russia for twenty thousand soldiers for service in America, for the suppression of the "rebellion." It was natural that such aid should first be sought in Russia for many reasons. Russia was just then more friendly to England than any other important power on the Continent. She was also the most despotic of all, and therefore most inclined to sympathize with the suppression of a movement for freedom and the rights of man. The sending of a Russian army to help another country to suppress a freedom-seeking revolution is by no means unknown to history. Moreover, Russia had from 1768 to 1774 been waging a successful war with Turkey, in which Great Britain had given her not only sympathy but material aid. It was the Englishman Elphinstone who led the Russian fleet in the victory over the Turks at Scio and who destroyed the Turkish fleet at Tchesme, in 1770, and thus essentially and greatly contributed to the Russian success. After overrunning Wallachia, Moldavia, the Crimea, and other Turkish territories, Russia in 1774 made the very profitable treaty of Kutchuk-Kainarji, by which she became mistress of the Crimea and other Tartar lands. This result was largely owing to England's friendship. Moreover, the conclusion of peace in 1774 left Russia with a large army of veteran troops on hand, with nothing to do, and it seemed reasonable to suppose that the empress might like to find work for it in America. Again, there was the memory of the fact that Russia, under the Empress Elizabeth, had accepted a subsidy from England.

For these and other reasons, therefore, it was with a confident expectation of success that the King of England applied to the Empress Catherine for aid. At that time, however, Catherine was in such matters entirely under the influence of her minister, Panin, an excellent man—for an eighteenth-century Russian—reasonable, free from rancor, and honest. He was, however, inordinately vain and susceptible to flattery, and through those weaknesses, and through the giving of some gimcrack presents, had been quite won over by Frederick the Great of Prussia, so that he took Frederick's view of England and America. Now Frederick was at this time feeling particularly resentful toward England for what he deemed her desertion of him near the end of the Seven Years' War, and while he had no especial sympathy with the Americans—no absolute monarch could well sympathize with democracy—he was glad to see the colonies used as a stick with which to beat Great Britain. This view of the case was adopted by Panin, and by him impressed upon the empress.

The general tone of the Russian court, therefore, became cool toward Great Britain, and the expectation was expressed that the Americans would succeed. It is probable that this expectation was simulated for the sake of annoying the British minister, rather than really felt. That minister, Gunning, however, seemed not to notice it. He was probably somewhat obtuse. At any rate, he continued to act as though the Russian court were most friendly, and early in August, 1775, asked Panin if he would be justifiable in reporting to King George that, in case such aid were needed, "he might reckon upon a body of her Imperial Majesty's infantry." Gunning had been specifically directed to make such advances to the empress, but he deemed it most politic to make them as though entirely on his responsibility and without the fore-knowledge of the British government. Panin, however, appears to have seen through this ruse, and to have known what Gunning's instructions were; and on August 8 he gave the empress's reply. It was to the effect that, because of gratitude for favors received from England during the last war, she was entirely ready, upon this and every other occasion, to give to the King of England all possible assistance, in whatever manner he might think proper. Her very words, as reported by Panin at her command, were that "she found in herself an innate affection for the British nation which she would always cherish." We have said that Gunning was probably obtuse. He was so obtuse that he received this answer in good faith, and though it did not contain a word specifically about the troops, he believed that it meant that a Russian army would be placed under British orders for service in America. Doubtless Catherine would have been pleased to mediate between the king and his rebellious subjects, as she indeed afterward explicitly offered to do. That she would not loan troops for the American war, and never had a thought of doing so, must have been evident to everybody at that time, excepting Gunning.

Or perhaps we should add George III himself as another exception. He, "with his own hand," wrote forthwith to Catherine a most cordial if not actually fulsome letter of thanks for the promise which Gunning had reported she had made. "I accept the succor that your Majesty offers me of a part of your troops," he wrote, "whom the acts of rebellion of my subjects in some of my colonies in America unhappily require. Nothing shall efface from my memory the offer your Imperial Majesty has made to me on this occasion." So Gunning was commissioned to arrange for the immediate despatch of twenty thousand Russian troops, and the British government began preparing to forward them to America. They were to be engaged for two years. Seven pounds sterling would be paid for each man, half down and half on embarkation. In addition England would, if required, pay a subsidy to Russia. Expense was no object. England wanted the troops and would pay whatever was necessary for them. But before the instructions to this effect reached Gunning, the empress one day asked him if his government had made any progress toward settling the American trouble. Without waiting for him to reply she continued: "For God's sake, put an end to it as soon as possible, and do not confine yourselves to one method of accomplishing it. There are other means than force of arms, and they ought all to be tried." Poor Gunning, much taken aback, replied that his master was doing all he could consistently with his dignity and sovereignty. The empress again repeated her hope that England and America would soon come to terms, and the interview ended, with Gunning feeling particularly uncomfortable.

When Gunning's instructions and the letter from George III to Catherine arrived, the empress had gone into a religious ''retreat'' for a few days. Gunning consulted with Panin, who was noncommittal but let the Englishman continue in his belief that help would be given. When the empress was again accessible, on September 30, Gunning presented the king's letter to Panin, who laid it before her. Catherine expressed herself through Panin in reply as much moved by George's friendly expressions. She declared that her friendship for him was no less warm. But she greatly disliked to have her troops employed in America. She asked if he could not get Hanoverians instead. Gunning argued at much length and with much earnestness, conjuring Panin, by his regard for the honor of his sovereign, to reflect on the light in which a refusal of aid would be looked upon not only by Great Britain but also by all Europe, and the effect which it might have upon some of them. He even abated his request, saying that he would be content with only fifteen thousand men. Panin remained inscrutable, and reported the matter to Catherine, who avoided seeing Gunning. In the imperial council, however, the subject was much discussed. Catherine evidently wanted to oblige the king if possible, but saw many objections to doing so in the way which Gunning had asked. The divisions in Poland, the hostility of Sweden, and the weakened condition of her army, made it seem inexpedient to send troops to America. Besides, it might offend some other European powers, it would probably engender discontent among her own subjects, and her minister to England assured her that it would alienate the English people, who by no means approved the policy of their government toward America.

The end of the matter was that she presently dictated to her secretary a letter to King George in reply to the one which he had written to her with his own hand. She told him that her empire needed peace, and her army rest; that it would be improper to employ her troops at the other side of the world and beyond her own reach; that affairs in Poland and Sweden made it inexpedient to weaken her army; and that, finally, it would be unworthy of her dignity and his, and of the dignities of the two monarchies and nations, to unite their forces "simply to calm a rebellion which is not supported by any foreign power." When in December Gunning returned to England, the empress took leave of him in a most cordial manner, and repeated her assurances of affection for the king and her readiness to aid him in any way possible and at any time; "but," she added, "one cannot go beyond one's power."

We have reviewed this episode at such length to show as certainly as possible the real attitude of Russia at that time. It seems evident that she was inclined toward friendly relations with England, and was willing to go to a considerable length in cultivating them. It does not appear that she—Russia as a whole, the Government, the empress, or any of her ministers—cherished the slightest sympathy with America. On the contrary, Russian sympathy was doubtless on the side of the British government. The most autocratic Government in the world could scarcely have helped sympathizing with autocracy in its attempt to suppress democracy. There is not a word or a hint in Catherine's final letter of refusal that is expressive of regard for the American cause. To assume, therefore, that Russia was a friend of America at that time would be utterly extravagant and unwarranted. She was England's friend, and, as we shall presently see, she made that fact unmistakably evident before the end of the Revolution.

Baffled in the effort to get mercenaries from Russia, the British government turned next to Holland. We are told that the House of Orange was inclined to accede to the request. It would have loaned the so-called Scottish Brigade, which originally consisted of Scotsmen but was by this time made up chiefly of Walloons and deserters from various lands. But the House of Orange was not the autocrat of Holland. The States General was in power, and that body referred the matter to the provincial assemblies. Those of Zeeland and Utrecht gave their consent to the scheme, but the others refused. The dominant sentiment of the nation was expressed by John Derk, of Chapelle, who urged that it was beneath the dignity of the republic to intermeddle in the affairs of a foreign nation, for pay; that Holland was too weak as a military power and too great as a commercial power for it to be prudent for her thus to take part in the quarrels of others; and that, if she helped England against America, France might aid America against England and thus become hostile to Holland, so that the latter country would be involved in a serious war. He also dwelt upon the alleged tyranny of England upon the sea and the wrongs inflicted by her upon Dutch commerce. Finally he argued that the Americans were contending for liberty very much as the Dutch had formerly contended for it against Spain, and that they were entitled to the sympathy of Holland. These views prevailed, and the States General refused the English request. It may be added that this honorable attitude was taken by Holland entirely without influence from outside. America had made no advances to her at that time. The conduct of Holland a few years later makes it seem probable that the refusal to lend troops was to a considerable degree connected with a certain incipient sympathy with the Americans. Dutchmen asked themselves and each other why they, whose fathers had been called rebels and had freed themselves through a long and desperate struggle, should lend their troops for the suppression of similar ''rebels'' engaged in a similar struggle for freedom. To make the refusal the more pointed, while at the same time avoiding the appearance of discourtesy to an old friend, the States General offered to send troops to England's aid in any European war, but positively refused to let a man go across the sea! That is to say, they were friendly to England, but they would not be hostile to America.

Thus rebuffed a second time, King George made a third attempt to hire troops, and this time was successful. The attempt was made in Germany, where many of the smaller States had never recovered from the demoralization of the Thirty Years' War, and where mercenary military service was a common trade. He found several petty princes who were eager to hire him troops. They needed no persuasion. They regarded it as a favor to them for him to accept the soldiers they offered. Some of these princelings were actuated by nothing more than a desire to get money. They sold troops as they would have sold fat cattle. Others were fanatics in the cause of autocracy.

(Your petty tyrant is usually the greatest stickler for the divine right of kings!) Still others were eager to curry favor with England with an eye to future advantage. As for the men, some of them went gladly, as adventurers and soldiers of fortune, careless whom they fought. Many of them went reluctantly, having heard of America's struggle for freedom and sympathizing with it, inasmuch as they felt the need of more freedom at home. Many of these deserted and joined the American army at their first opportunity. It does not appear that any of the soldiers were actuated by animosity toward America. On the contrary, it is probable that among the people of Germany, so far as any accurate knowledge of America extended, there was a sympathetic feeling for this country.

What, meantime, was the popular feeling in England? It had begun to make itself known in unmistakable fashion. There was a strong reaction from the animosity against America which Franklin had observed a year or two before. Englishmen began to realize that their own struggle for popular rights was being fought on American soil by their American brethren. Chatham, Camden, Barré, and others of their best statesmen steadily upheld the American cause in Parliament. In August, 1775, the king issued a proclamation on the American rebellion containing this amazing statement: "There is reason to apprehend that such rebellion hath been much promoted and encouraged by the traitorous correspondence, counsels, and comfort of divers wicked and desperate persons within our realm"—to wit, Chatham, Camden, Barré, and the rest!—and his purpose was declared "to bring to condign punishment the authors, perpetrators, and abettors of such traitorous designs." Many British officers refused to serve against America, preferring to resign their commissions. Among these were the eldest son of Lord Chatham, who had begun a most promising military career; Admiral Keppel, Lieutenant-General Sir Jeffrey Amherst, General Conway, afterward a field-marshal; Lord Frederick Cavendish; and the Earl of Effingham, who was commended for his act by the city corporations of London and Dublin in public addresses. Not one of these men was ostracized socially for such manifestations of sympathy with America; a fact which shows pretty clearly that a considerable part of the English nation, including much of the aristocracy, at heart took the American side of the quarrel, and that the oppression of the colonies was the act not of the English nation but of a small clique of its rulers. Nor was the conduct of the City of London void of much significance. Hitherto it had been a center of warlike spirit and of hearty support of the Government. Now it became sullen and disaffected. The corporation applauded Effingham for refusing to fight America. Its members of Parliament voted from first to last against the war. Its money market let the price of government bonds fall, and showed by the fluctuations of stocks in general its sympathy with America and its disapproval of the policy of the British government. As for the common people throughout the kingdom, it is sufficient to remember that it was their unwillingness to enlist in the army to fight America that drove the king to seek mercenaries abroad.

It will be profitable at this point, and it will throw an instructive light upon what we may call the popular foreign relations of the country, to consider who were, in the main, the American revolutionists. Upon this point there has been much dispute, and some amazing contentions have been made. We have been told, for example, that the masses of Americans of direct English origin were not in sympathy with the Revolution, but remained loyal to the king, and that the real leaders of the Revolution in both civil and military life were non-English—according to some authorities, chiefly Irish. It is, of course, impossible to determine, in the absence of a census, just what proportion of the American patriots were of English and what of non-English origin. But some general facts are known, which controvert the pretensions which we have quoted. One is that the chief colonies were founded and settled almost entirely by Englishmen; with the exception of New York, which was of Dutch origin, but into which long before the Revolution there had come an English influx greater than the Dutch. As for the Irish, there were few of them in America at that time, excepting those who had come under compulsion in Cromwell's day. Ireland was not yet united to Great Britain, and the great flood of emigration from that country had not begun. Apart from Cromwell's exiles, most of the Irish in America were from the north of that island, and were really Scotch, who had been settled in Ireland for only a generation or two before coming hither.

So much for what is known in a general way of the masses of the American people. Still more explicit and certain is our knowledge of the leaders in the Revolution, and at least equally significant is it. Let us begin with the signers of the Declaration of Independence. All but eight of them were natives of the colonies. Of the eight foreign-born, two, Robert Morris of Pennsylvania and Button Gwinnett of Georgia, were born in England; one, Francis Lewis of New York, was born in Wales; two, James Wilson of Pennsylvania and John Witherspoon of New Jersey, were born in Scotland; and three, James Smith and George Taylor of Pennsylvania, and Matthew Thornton of New Hampshire, were born in Ireland, though not one of them bore a characteristically Irish name. If we turn to the army, we find most of the prominent officers of American birth and English ancestry. Such were Washington, whose family was conspicuous among the English gentry; Greene, of English Quaker stock; Wayne, of Yorkshire ancestry, grandson of an English commander at the Boyne; Harry Lee, whose forefathers came from Shropshire; Artemas Ward, Mifflin, Warren, and others. Morgan was of Welsh, Muhlenberg of German, Schuyler and Frelinghuysen of Dutch, and Sullivan of Irish ancestry. Of those who were foreign-born, the gallant Montgomery was Irish, St. Clair was Scotch, as was also Paul Jones, the founder of our navy; the traitor Charles Lee and the semi-traitor Gates were English. Lafayette was French, and Steuben and De Kalb were German.

In civil councils, the predominance of Englishmen, born in America, was still more marked. The Adamses were from Devonshire, true "dogs of Devon." Franklin's ancestors came from Northamptonshire, and Otis's from Norfolk. Lewis Morris and Gouverneur Morris were descended from one of Cromwell's "Ironsides," and so was Rush. Rodney boasted an English line unbroken from the days of Queen Maud. Others of pure English origin were Hancock, Sherman, Gerry, R. H. Lee, Randolph, Pendleton, Page, R. T. Paine, Harrison, Drayton, Ellsworth, Clinton, Dayton, Stockton, Clymer, Shippen, Bedford, Dickinson, and Madison. Jefferson was of English and Welsh extraction. Livingston, Monroe, and John F. Mercer were descended from Scotch forebears. Carroll was Irish, and so was Rutledge, though the latter came from north of Ireland stock in which Scotch blood predominated. Jay, Laurens, and Boudinot were of French Huguenot ancestry. As for the foreign-born, Hamilton was a native of a West India island and was of Scotch and French Huguenot parentage; Hugh Mercer came from Scotland; the Tuckers were Englishmen born in Bermuda; and Thomas Paine and Robert Morris were natives of England. Thus if we may judge *ex pede*—or rather *ex capite—Herculem,* there can be little hesitation in saying that the American Revolution was chiefly the work of men of British blood, of whom the majority were born in the colonies. The bearing of this fact upon the popular feeling between America and England is obvious; nor is it much less marked upon American relations with other lands. The dominant fact was that the Americans belonged to the English race, and whatever racial sympathy there was, therefore, was between America and England rather than between America and any other land.

Such was the Continental Congress which reassembled for fateful work in the fall of 1775, a body of which Lord Chatham declared that its members had never been surpassed by those of any similar body "in solidity of reasoning, force of sagacity, and wisdom of conclusion." Such, too, was the nation of which that Congress was representative. The spirit of Congress toward Great Britain was what might have been expected. We have seen that down to the adjournment in August, despite the actual state of war that existed, there was practically no thought of secession, save on the part of a few members who kept their thoughts secret. But in November, 1775, the progress of events became irresistible. The struggle with Great Britain became so severe as to compel America to look to other lands for aid. Why not, since England was seeking mercenaries upon the Continent? Accordingly, Samuel Chase of Maryland, after careful and prolonged consultation with John Adams, moved in Congress that ambassadors be sent to France. The motion was seconded by Adams, who wrote that it was evidently an unwelcome surprise to the majority of Congress, and that "the grimaces, the agitation, and convulsions" with which it was received "were very great." A long debate followed, and in the end the motion failed to pass. Instead, Samuel Adams's old system of committees of correspondence was taken up and enlarged upon. It is true that there were those in Congress who heartily favored Chase's motion, and some who would have gone even further than he suggested. Patrick Henry was for alliances with France and other powers, even if they had to be purchased with concessions and territory; a policy which would have been most mischievous had it been adopted. John Adams's policy was the wiser. He wanted no alliance, but only commercial treaties, consistently urging that America should be kept separated as widely as possible from European politics and wars.

The result of this debate, we have said, was the appointment of a committee of correspondence. It was a committee whose work should be conducted in secret, and it was instructed to enter into communication with our friends in Great Britain, Ireland, *and other parts of the "world."* Practically, it was the foundation of the American State Department, or Ministry for Foreign Affairs. Its members were Jay, Franklin, Harrison, Johnson, and Dickinson. Thus it included representatives of all shades of thought in Congress, and one of the very youngest members—Jay, only thirty years old—and one of the oldest—Franklin, just entering his seventieth year. Jay seems to have been the most active and dominant member of the committee. He had various interviews with Bonvouloir, the first of the secret emissaries of France to this country, but nothing practical resulted from them. The ill-starred Silas Deane was, it is true, presently selected as the first American envoy to France, to which country he proceeded in June, 1776, and of whose unhappy doings there we shall hear more. There were also some tentative negotiations with Canada, which came to nothing. The fact was that foreign negotiations in advance of independence were an anomaly which could result in little if any good.

This fact soon dawned upon the minds of Congress, and the design of independence began to take form. Once begun, the process was rapid. The first definite step was taken by a committee composed of John Adams, Edward Rutledge, and Richard Henry Lee, representing respectively Massachusetts, South Carolina, and Virginia. They reported on May 15, 1776, a preamble and resolutions which declared that the king had excluded the inhabitants of these United Colonies from the protection of his crown; that the whole force of his kingdom, aided by foreign mercenaries, was being exerted for the destruction of the good people of these colonies; that it was irreconcilable to reason and conscience for the colonists now to take oaths and affirmations for the support of any government under the crown of Great Britain; that it was necessary that every kind of authority under the crown should be totally suppressed, and that all the powers of government should be exerted under the authority of the peope of the colonies. That was the first actual Declaration of Independence. The adoption of it inevitably involved the further step of formally declaring independence to be a fact. This was recognized by the moderate element in Congress, which was not yet prepared for so radical a step, and the proposition was earnestly opposed. But the tide was rising rapidly, and too strongly to be restrained. Adams's trenchant proposal—for it was framed by him—was adopted by Congress. More than that, it was approved by the people of the colonies, and various colonial assemblies adopted resolutions looking to the same effect. Virginia, notably, instructed her delegates to the Congress to move for a formal declaration that the United Colonies were "free and independent States." It was in accordance with these instructions that Richard Henry Lee, who had been Adams's colleague in the action of May 15, on June 7 moved for a Declaration of Independence. His motion was seconded by John Adams. After three days' debate it became evident that, as Jefferson said, certain of the colonies were "not yet matured for falling from the parent stem," though "they were fast advancing to that state." Accordingly the matter was postponed until July 1, in order to give time for securing entire unanimity. Meantime, on June 11, Congress appointed Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston a committee to draft the Declaration, ready for adoption when the subject should again be taken up.

There is no more familiar fact in American history than that Jefferson wrote the Declaration of Independence. It is quite true. The original draft of that document shows it to be in his handwriting, with only three trifling changes in the hands of Adams and Franklin. Indeed, it is reasonable to believe that

Jefferson was appointed to the committee because of his readiness and sententiousness of speech. Lee, as the mover of the resolution, should according to all parliamentary practice have been made chairman of the committee, yet he was not made even a member of it. That was because he and Jefferson were both from Virginia, and it would not do to appoint two members from one colony. Therefore if Jefferson was to be a member, for the sake of his ability as a writer, Lee had to be left off. Besides, it has been explained, Jefferson, who was still a young man, had at that time not a single enemy in Congress, while there was a strong faction opposed to Lee. All that, however, is by the way. The point of present interest is that the Congress itself in one respect materially amended the Declaration as drafted by Jefferson and reported by the committee. Jefferson, despite his declaration of a few months before of his love of union with Great Britain, wrote in the Declaration that the policy of the British government must ''bid us renounce forever these unfeeling brethren,'' and must make us ''endeavor to forget our former love for them.'' But this passage was stricken out by Congress, in order not to reflect upon or stir up animosities against the English people. There can be little doubt that in this Congress was wiser than Jefferson. The American quarrel was not with the English people, but with the Government. The adoption of Jefferson's words would have represented the matter incorrectly, and would also have alienated from America the sympathies of a large portion of the British nation, sympathies which were of inestimable value and practical service to us during the war and at its close. So the amended Declaration was finally adopted on July 4, 1776, without any expression of enmity for the British people, but with the simple statement that thereafter we should hold them as we held the rest of mankind, ''enemies in war, in peace friends.''

Meantime, while America and Great Britain were thus comporting themselves toward each other, what of France, whose emissaries had been so eager and diligent in provoking strife between these two and in suggesting French assistance for the colonies? On May 10, 1774, the young and amiable Louis XVI had succeeded his grandfather upon the throne. His minister of state, a sort of self-appointed prime minister, was the Count de Maurepas. His minister for foreign affairs, who presently became all powerful, was the Count de Vergennes, a man of ability, who was sincerely devoted to France according to his conception of her welfare, and who was devoid of a single spark of generous feeling for any other country. His minister of finance, for a short time only, was Turgot, a reformer and philosopher, and one of the most benevolent and generally estimable French statesmen of his day. France was at that time at peace with Great Britain, and maintained an ambassador at the British court. The latter, M. de Guines, was a close observer of the progress of the quarrel between the king and his colonies. He regarded the policy of the king and his ministers as fatuous. ''These people,'' he wrote, ''appear to me in a delirium.'' He was convinced that they coud not subdue the rising rebellion in the colonies, but believed that they would wage a war of mere devastation. ''You may be sure,'' he wrote, ''the plan of these people is to force back America fifty years, if they cannot subdue it.'' Vergennes could not believe that the British government would be so mad as to refuse conciliation with the colonies, and wrote to De Guines for further information, especially asking why he thought there would be no friendly settlement. De Guines, who seems to have been a judicious observer, replied that further negotiations were impossible. The ministry could yield nothing to the Americans. The king was as feeble and as obstinate as Charles I had been in his fatal quarrel with Parliament. This representation of the case convinced Vergennes, and he acknowledged the fact. ''America or the ministers themselves,'' he said, ''must succumb.'' At the same time Vergennes sent Bonvouloir, a trusted agent, to America, to get and report all possible information. Bonvouloir had already spent much time here, and was well acquainted with the American leaders. His reports to Vergennes corroborated those of De Guines, and fully convinced the French government that the breach between Great Britain and the colonies was irremediable.

The French government, however, made no move toward aiding the colonies in the struggle which it had encouraged them to begin. Louis XVI had no inclination to do so. Neither principle nor sentiment impelled him to help the Americans. On the contrary, his natural feelings were altogether against any such democratic movement as that which they were undertaking. At the same time he was partly afraid of England, and partly desirous of crippling her political and commercial power, and in these passions he was by no means discouraged by his ministers. On August 7, 1775, Vergennes told De Guines that Louis approved the sending of Bonvouloir to America, partly to obtain and report information, and partly, perhaps chiefly, "to secure the Americans against that jealousy of us with which so much pains will be taken to inspire them." The Americans were to be persuaded that France had no notion or desire of regaining Canada, and that France would welcome their independence and do all within her power to promote their prosperity. Botta, in his admirable "History of the American War," says of the attitude of France in 1775 and the early part of 1776: "She would not throw off the mask in these beginnings, either because she feared that by prematurely engaging in the defense of the Americans the English government might be induced to offer them such terms of accommodation as, in reconciling the two parties, would turn their united forces against her; or especially because she was not yet entirely prepared for maritime war. She wished to temporize until her armaments were completed, and until the continuation of reciprocal outrages should have rendered all arrangements impossible."

This view of the case is supported by the reports of Bonvouloir, who in March, 1776, wrote to Vergennes: "The position of England toward its colonies in North America, and the possible and probable consequences of the contest, whatever its issue may be, have beyond a doubt every claim to the most serious attention of France and Spain. Whether they should desire the subjection or the independence of the English colonies, is problematical; on either hypothesis they are menaced with danger, which human forecast can perhaps neither prevent nor turn aside. If the continuation of the civil war may be regarded as indefinitely advantageous to the two crowns, inasmuch as it will exhaust the victors and the vanquished, there is on the other hand room to fear, first, that the English ministry, feeling the insufficiency of its means, may stretch out the hand of conciliation; or, secondly, that the King of England, after conquering English America, may use it as an instrument to subjugate European England; or thirdly, that the English ministry, beaten on the continent of America, may seek indemnity at the expense of France and Spain, to efface their shame and to conciliate the insurgents by offering them the commerce and supply of the isles; or, fourthly, that the colonists, on attaining independence, may become conquerors from necessity, and by forcing their excess product upon Spanish America, destroy the ties which bind our colonies to their metropolis.'' He further suggested that the British ministry might any day resign, that Chatham and his friends might return to office and make peace with America, and that England and America united might proceed to the conquest of Mexico and the waging of a war with France. ''In the midst of so many perils,'' he continued, ''the strong love of peace, which is the preference of the king and the King of Spain, seems to prescribe the most measured courses. . . . Care must be taken to avoid being compromised, and not to provoke the ills which it is wished to prevent. . . . The continuance of the war for at least one year is desirable for the two crowns. To that end the British ministry must be maintained in the persuasion that France and Spain are pacific, so that it may not fear to embark in an active and costly campaign; whilst on the other hand the courage of the Americans might be kept up by secret favors and vague hopes, which would prevent an accommodation and assist to develop ideas of independence. . . . We ought to continue with dexterity to tranquilize the English ministry as to the intentions of France and Spain. It will also be proper to extend to the insurgents secret aid in military stores and money, without seeking any return for it beyond the political object of the moment; but it would not comport with the dignity or interest of the king to treat with the insurgents, till the liberty of English America shall have acquired consistency.''

Such were the counsels of this trusted agent of the French government, which were offered for the mature deliberation of the king and his ministers, and which Vergennes appears to have approved. It would be difficult to conceive any policy more selfish, cold-blooded, and cynical. It proposed in effect that France should play the part of Iago. We can perceive in it not one trace of sympathy with the American struggle for liberty, and not a hint of a desire for the welfare of the colonists. On the contrary, the latter were to be used as a mere pawn in the game of France against Great Britain, and were to be sacrificed ruthlessly, without the slightest compunction, whenever it might be to the interest of France thus to do. A far different view, and a far more creditable one, was taken by Turgot, the French reforming statesman, whose counsel the king sought immediately after receiving this memorial from Bonvouloir. Turgot was convinced that the Americans would be successful in establishing their independence, and he sincerely desired that they should do so, not merely for the sake of injuring Great Britain, but for the sake of promoting the general welfare of humanity. "The present war," he wrote to the king, "will probably end in the absolute independence of the colonies, and that event will certainly be the epoch of the greatest revolution in the commerce and politics not only of England but of all Europe. From the prudent conduct, the courage, and intelligence of the Americans, we may augur that they will take care, above all things, to give a solid form to their government, and as a consequence they will love peace and seek to preserve it. The rising republic will have no need of conquests to find a market for its products; it will have only to open its harbors to all nations. Sooner or later, with good will or from necessity, all European nations which have colonies will be obliged to leave them an entire liberty of trade. . . . When the English themselves shall recognize the independence of their colonies, every mother country will be forced in like manner to exchange its dominion over its colonies for bonds of friendship and fraternity. If this is an evil, there is no way of preventing it, and no course to be taken but resignation to the absolute necessity. . . . Wise and happy will be that nation which shall first know how to bend to the new circumstances and consent to see in its colonies allies and not subjects. When the total separation of America shall have healed the European nations of the jealousy of commerce, there will exist among men one great cause of war the less, and it is very difficult not to desire an event which is to accomplish this good for the human race.

"It is a very delicate question to know if we can, underhand, help the Americans to ammunition or money. There is no difficulty in shutting our eyes on their purchases in our ports; our merchants are free to sell to any one who will buy of them; we do not distinguish the colonists from the English themselves; but to aid the Americans with money would excite in the English just complaints. . . . Our preparations ought to tend only to the maintenance of peace. . . . Every plan of aggression ought to be rejected.''

Here then were the representatives of the two schools of French thought. The politic and crafty Vergennes had no love for America, and probably no faith in the future of the United States. But he favored aiding this country secretly, and perhaps openly, for the sake of the injury that could thus be inflicted upon England. The good Turgot, on the other hand, was a sincere admirer of America, and had unbounded faith in its future greatness. But while, for the sake of humanity in general, he earnestly wished for our success, he would not by any means ally France with this country or give us any such open aid as might be displeasing to England. Evidently, neither was a particularly valuable friend to the struggling colonists, though the unsympathetic Vergennes was doubtless more inclined to give us practical aid than was the sympathetic Turgot. Between the two, King Louis did not hesitate. He ignored Turgot's advice, in this as in some other matters, and that great statesman was soon retired to private life, to the incalculable loss of France. The policy of Vergennes was adopted, and followed to the end of the American war. It cannot be too strongly emphasized, however, that in so doing, and in whatever aid was given to this country, there was no real love for America or for the American cause. Malouet, the French Minister of Marine, opposed the plan of aiding the Americans, because he said it was illogical and dangerous for an absolute monarchy to aid a democratic revolution. There is no question that Louis XVI thought the same, and in that belief was supported by Maurepas and even by Necker. Thomas Paine declared that ''with respect to principles, Vergennes was a despot.'' Vergennes hated free speech, a free press, and parliamentary government, and detested the Americans as rebels. But he still more hated and feared England. ''The inveterate enmity of that power to us,'' he said to Louis in 1775, ''makes it our duty to lose no opportunity for weakening it. The independence of the insurgent colonists must therefore be encouraged.''

It was in this spirit, not of hating the Americans less, but of hating Great Britain more, that the French government contemplated the American movement toward independence in the early part of 1776, and finally, in May of that year, intimated, through the picturesque adventurer Beaumarchais, a willingness to aid the colonists with money to the extent of 200,000 louis d'or, or nearly a million dollars.

We may add, to show as completely as possible the attitude of the world toward America at this crisis in affairs, that in June, 1776, Keith, the British minister at Vienna, had an audience with the emperor, Joseph II, and also with the empress, the illustrious Maria Theresa, at which the attitude of Austria and of the empire toward the American insurgents was discussed. The emperor told Keith that he had just issued a proclamation, strictly forbidding his subjects in the Netherlands to have any commerce or any dealings whatever with the Americans. ''I am,'' he added, ''very sorry for the difficulties which have arisen to distress the king's government. The cause in which he is engaged is in fact the cause of all sovereigns, for they have a joint interest in the maintenance of a just subordination and obedience to law, in all the monarchies which surround them. I saw with pleasure the vigorous exertions of the national strength, which he is now employing to bring his rebellious subjects to a speedy submission, and I most sincerely wish success to those measures.'' Maria Theresa also expressed herself to the same effect. We must remember that these sovereigns, especially the great empress-queen, had no cause to love England, for England had not long before been the ally of Frederick of Prussia in his war against Austria. Their sympathy with England was, therefore, the more significant. We may take it as typical of the general feeling of the courts of Europe. The new-born republic had on July 4, 1776, not a single sincere and effective official friend in all the world.

IV

THE REVOLUTION

THE Declaration of Independence did not at first make any material change in the foreign relations of America. It intensified the estrangement which had already arisen between this country and Great Britain, though it did not by any means deprive America of the friendship and open advocacy of many leading British statesmen, nor did it close the door against British attempts at reconciliation. Indeed, the roster of friends of America in Great Britain seemed rather to lengthen, as the resolution of this country to establish its independence was made more manifest. It bore, and bore to the end, such names as those of Chatham, Burke, Fox, Shelburne, Rockingham, Barré, Hartley, Camden, Pitt, Grafton, Conway, Richmond, Cavendish, and many others. How large a proportion of the British nation stood behind these men and thought as they did, is matter for speculation only. At this date investigation would be fruitless. But reason is on our side in assuming the proportion to have been a large one, comprising a majority of those elements which formed the real heart and mind of the British people. This fact seems to have been recognized by the purblind and fatuous government itself to some extent, for repeated efforts were made to seek conciliation with the revolted and seceded colonies. A week after the signing of the Declaration of Independence, Lord Howe arrived in America on an errand of conciliation. He had, it is true, been despatched hither and had received his instructions before independence was declared; but at a time when the intention of Congress to make such a declaration was well known. Moreover, his efforts at conciliation were continued here for several months after the actual declaration had been published and had been considered by the British government. We must therefore regard his mission as in fact subsequent to the Declaration of Independence.

He at first sought to negotiate directly with Washington. But there was an obstacle in the way. He would not—under British military etiquette he thought he could not—recognize Washington's military rank. Washington's title of General had been bestowed upon him by a government which Howe and his government regarded as unlawful, wherefore the title itself was spurious. To call him "General" Washington would be too much like a recognition of the authority and legitimacy of the American government. But Washington would not countenance the putting of such a slight upon the American government as would be implied in permitting himself to be addressed as a mere civilian. Moreover, as he shrewdly pointed out, as a civilian he had no standing and no authority to negotiate with Howe, or to represent the American people or their government. The only ground on which it was possible for him to negotiate effectively with Howe was that of his military rank and authority, and since Howe would not recognize that, negotiations were out of the question. Congress, however, generously made a way out of the difficulty by appointing a committee of its own number to treat with Howe. The committee consisted of Franklin, John Adams, and Rutledge, who were mere civilians. Howe assured them that the king was sincerely desirous of conciliation, and was ready to grant the reforms and redress of grievances which America demanded. Such grant could be made, however, to America only as to a British colony. The Declaration of Independence was an awkward obstacle. Great Britain could not recognize or acquiesce in it. Was there no way, he asked, of going back of it, and treating on the ground of the *status quo ante?* To this Franklin, with the hearty support of his colleagues, replied with an emphatic negative. The Declaration of Independence must stand, and must be made effective. "All former attachments," he said, "are obliterated. America cannot return to the dominion of Great Britain." So Howe's olive branch was rejected and his mission was a failure.

Meantime, what of the attitude of France, who had professed so much interest in the American cause and had so much encouraged the Americans to seek independence? Already diplomatic relations had been established with her, and some secret aid had been secured. On March 3, 1776, Silas Deane was appointed an American commissioner to France, and in June he proceeded to that country, where he was presently joined by Arthur Lee as a colleague, and between them they made a bad mess of American affairs. Deane's mission was to get from France an army of 25,000 troops and 200 pieces of artillery, to be paid for at some indefinite future time. His own salary and expenses were to be paid to him in cargoes of tobacco, rice, and other American produce, which this Government would consign to him and which he would sell in the French market. Thus he was to pass as a merchant, under the name of Timothy Jones. The scheme was at best a wretched one, though perhaps the best the American government could plan at that time. It might have worked with more success had Deane been more careful to keep his own counsel. But he revealed his secrets to one Edward Bancroft, an American who enjoyed the confidence of Congress and was employed by it as a secret agent, but who was in fact a spy in British employ and who promptly betrayed Deane to the British government.

Even before Deane's arrival in France, that extraordinary adventurer, Caron de Beaumarchais, had interested himself in the American cause. He was a watchmaker, an inventor, of literary and dramatic genius, and of unbounded political ambition. He wrote "The Barber of Seville," "The Marriage of Figaro," and other dramatic masterpieces, and attracted the attention of the young French king and became one of his favorite courtiers. He argued the American cause to the king in theatrical style, and fascinated him with it; nor did he fail to impress the cooler and more expert mind of Vergennes, the foreign minister, with his schemes. Vergennes agreed with Beaumarchais that the time was opportune for the humiliation of Great Britain and her permanent reduction to the rank of a second-class power. To this end, however, the American war must be prolonged for at least a year, in order to confirm the alienation of the colonies and to tax if not to exhaust the resources of both combatants. Turgot, as we have seen, opposed the policy of Vergennes and Beaumarchais, and at first Louis XVI was inclined to listen to him. But Turgot's influence waned. In May, 1776, he was forced out of the ministry, and Vergennes became practically supreme. Then a free hand was given to Beaumarchais to execute his designs for his own profit and for the promotion of the American Revolution. The firm of Roderique Hortalez & Company was established in Paris—a mere pseudonym for Beaumarchais himself. The French and Spanish governments secretly furnished it with $600,000 capital. Ostensibly it was nothing but a private commercial venture, its object being to sell to the Americans military supplies which it had purchased from the French government arsenals. In fact, it was a mere screen to cover the sales or gifts of arms by the French government to America, which was not a lawful thing. For a time all went well, and the secret of the trade was well kept. But when Deane arrived in Paris he was taken into Beaumarchais's confidence in all things except the connection of the French government with it. Deane promptly told Edward Bancroft, and he told the British government. Had the latter known the whole truth, it would have regarded it as cause for war against France, as indeed it was. As it was, it protested to the French government against its tolerance of contraband commerce, and began seizing the ships of "Hortalez & Co." or blockading them in port. Thereupon Vergennes, in order to avoid a breach with Great Britain, directed measures to be taken for the suppression of the contraband trade in which his own government was so deeply implicated, and Beaumarchais had to send out his vessels surreptitiously. The business was thus so much interfered with that it was driven to the verge of bankruptcy.

In the latter part of 1776 Franklin arrived in France and he, Deane, and Arthur Lee were commissioned as joint envoys to that country. His arrival created a great sensation, in both France and Great Britain. Lord Rockingham declared that it was a serious blow to Great Britain, more than counterbalancing the British victory on Long Island and capture of New York. Lord Stormont, the British ambassador, threatened to leave Paris at once if the "chief of the American rebels" were permitted to come thither. Vergennes replied that he had sent word to Franklin at Nantes, where he had landed, not to come on to Paris; but if the message had miscarried, and Franklin did come to Paris, it would be scandalous inhospitality and a violation of the usages of civilized nations to expel him. So Franklin went to Paris, where he was received with favor by the

Government and with vast enthusiasm by the people. In a few days he and his two ill-assorted colleagues were received by Vergennes, and they asked plumply that France should make a treaty of commerce and alliance with America, and should lend eight warships to release Beaumarchais's ships from blockade. Vergennes replied that this was asking entirely too much. France could not take open ground against Great Britain in that way. But by way of consolation and encouragement he offered them a secret loan of $400,000, to be repaid after the war and without interest. Of course this action by Vergennes was of assistance to America. But it was of none to the "Hortalez & Co." enterprise, which quickly fell into hopeless straits. Franklin was not informed of any of the details of that enterprise, but left them all to Deane. Neither does Lee seem to have been fully informed, but he did know that Beaumarchais was the whole concern, and he assumed that the supplies were free gifts from France to America, and that whatever America paid for them would be divided between Beaumarchais and Deane. In this Lee was probably quite honest, but he was nevertheless unjust to Deane. He reported his assumption to Congress as facts, with the result that Congress at once stopped sending merchandise to "Hortalez & Co." in payment for supplies, and that firm's operations came to an end. Deane was unable to explain matters without betraying confidence, and so was himself discredited and ruined. The fact seems to be that Deane and Lee, while both well meaning, were subject to infirmities of temperament which quite unfitted them for diplomatic work, and moreover the triple commission system was a clumsy and impracticable thing. Later, in 1778, John Adams discovered and accurately described the true state of affairs when he reached France and found, as he said, "animosity between Mr. Deane and Mr. Lee; between Dr. Franklin and Mr. Lee; between Mr. Izard and Dr. Franklin; between Dr. Bancroft and Mr. Lee; between Mr. Carmichael and all."

Apart from the "Hortalez & Co." enterprise, Deane's activities were chiefly directed to granting military commissions and sending European recruits to the American army. Such services were generally of doubtful value. The men he sent over were chiefly adventurers, who had no heart in the American cause, but were seeking what profit they might make out of it. Some of them were spies in the employ of the French government, or of ambitious Frenchmen. Even De Kalb, the Alsatian, who did us such good service in the Carolina campaign, came over as a secret agent of the Count de Broglie, who aspired to play in America the part of William of Orange. But De Kalb soon renounced that service and became a true friend of the American cause. Washington was much annoyed at the influx of Deane's mercenaries, and on one occasion declared to Gouverneur Morris: "I do most devoutly wish that we had not a single foreigner among us, except M. de Lafayette." Deane also received offers of mercenary troops from Germany and Switzerland, and he seemed to favor the employment of them, and suggested it to Congress, which happily disapproved it.

Amid all these doings, the attitude of the French king was unsympathetic toward America. It is well known that he strongly disapproved Lafayette's coming to this country and tried to prevent it. We have said that he fell in with Beaumarchais's proposals. But that was only because that wily adventurer shrewdly suggested to him that it would be to the interest of France to give America such aid as would put her forces on equal terms with those of England, "but no more," and so not to give America the victory, but to prolong the war indefinitely. Even such aid to democratic rebels the king acquiesced in with much reluctance and many misgivings, declaring that he did not think it right. It was too inimical to the principles of the divine right of kings. Such was the general attitude of the "ruling classes" in France, with the exception of a few like Lafayette, who were sincere lovers of popular liberty and friends of America. Botta doubtless set forth the situation accurately when he wrote in his "History of the American War": "Though France would rather see America independent than reconciled with England, she relished the prospect of a long war between them still better than independence." Such a war would ravage the colonies and exhaust England. So France encouraged the colonies to fight and aided them just enough to keep them fighting, but was careful not to help them to win too soon the final victory. "Thus France," wrote Botta again, "pursuing invariably the course prescribed by reasons of state, on the one hand amused the British ministers with protestations of friendship, and on the other encouraged the Americans with secret succors, confirming their resolution with continual promises of future coöperation. . . . Alternately advancing and receding, never allowing their intentions to be fathomed, the French ministers kept the Americans in continual uncertainty.''

It is not to be wondered at that such treatment in time proved trying to the Americans. A year of it was sufficient to exhaust their patience. In August, 1777, the American commissioners presented a memorial to the French government, in which they pretty directly intimated that if France did not come to the mark with more efficient aid at an early date, the colonies might make peace with England. Nor was this by any means a groundless hint. There was still in America a large and influential party which was in favor of such a settlement, and there was of course such a party in England, including not a few of the foremost statesmen of the kingdom. Nor was it an idle warning that the Americans gave in that same memorial, that in case of such reconciliation and reunion between the colonies and England, the French West India Islands would be endangered and France would be in peril of utter exclusion from this hemisphere. The French government, through its corps of ministers and secret agents, was too well informed of the state of affairs in both England and America to discredit the force of these suggestions, and was therefore compelled to regard the memorial seriously. It ventured, however, for a time to reply with further evasions, procrastinations, and delay. In so doing it incurred a grave risk, but was at least lucky in the outcome.

The Americans fulfilled their threat. They did make overtures to England for a reconciliation. But ''*inter arma, leges silent.*'' The successes of Burgoyne in the beginning of his campaign made the English government confident of victory over the ''rebels,'' and caused it to turn a deaf ear to the American proposals. Never was there in the whole struggle, as the event presently showed, a greater blunder made by the purblind ministry. It sacrificed the last chance of reconciliation. For with their overtures thus refused, the Americans set themselves the more sternly to work to fight the battle out, and, thanks to the prowess of Arnold and Schuyler and Morgan, a startling change in circumstances was soon effected. Burgoyne was beaten at Saratoga, and with his whole army was compelled to surrender to the Americans. It was a staggering blow to England, and it gave a new aspect to the whole situation. It is true that renewed overtures for peace were then made by Americans, notably by Horatio Gates in his puffed-up vanity at wearing the laurels which other and better men had won. But such overtures were not as favorable to England as those of an earlier date, and even such as they were, it is doubtful if they would have commanded the sanction of the American people. The latter question did not come up for answer, however, because the English government delayed to enter into negotiations until it was too late.

The French government, however, was moved to act. It saw that there was danger, either that peace would be made between the colonies and England by concession and negotiation, which was the last thing it wanted, or that the colonies would win their independence in the field without French aid and more quickly than was desirable for French interests. So it decided to intervene, partly to secure American gratitude, which might be of material profit to France; partly to be able to regulate the progress of the war and thus to prevent it from ending too soon; and partly to secure for France a voice in the final making of peace and in the demarcation of boundaries in America. The news of Burgoyne's surrender reached France at the beginning of December, 1777. Vergennes was then employing as a spy the landlord of the house in which Franklin and Deane lived. That spy, by dint of diligent listening at keyholes and similar tricks, was able to report that negotiations were in progress with England for an ending of the war. This information convinced Vergennes that further delay would be dangerous. So on December 6, two days after the arrival of the news of Burgoyne's surrender, he sent Gerard—afterward French envoy to America—to Franklin, to tell him that the French court was at last convinced that the colonies were in earnest and were able to maintain their independence, and were worthy of recognition, and that it would therefore be glad to renew negotiations for a treaty of alliance. By this means Vergennes counted on being able to head off the negotiations with England and thus to keep the colonies and the mother country apart, and to prolong the war for another year.

The trick was successful. The Americans paused in their negotiations with England, and a little later abandoned them altogether. This was when, on December 16, the French government announced to them that ''France would not only acknowledge but would support with all her forces the independence of the United States, and would conclude with them a treaty of amity and commerce.'' With surprising and commendable frankness it added that ''His Most Christian Majesty desired no indemnification of the United States, nor pretended to act solely with a view to their particular interest, since, besides the benevolence he bore them, it was manifest that the power of England would be diminished by the dismemberment of her colonies.'' It was further stated by the French government that this treaty would be made as soon as the assent of Spain could be got, that being necessary under the Bourbon Family Compact between France and Spain; and that all France would ask of America would be that, in case of war between France and England, which was likely to occur, America would not make peace with England until her own independence was fully secured, nor until France also made peace with England. This definite promise satisfied the Americans and inclined them to withdraw from all negotiations with England and to wait patiently again for France's action.

The gross insincerity of the French government is patent in the fact that it did not attempt to secure Spain's assent to the treaty, although Vergennes declared to the Americans that it was necessary to do so and that the treaty could not be made until it was done. On the contrary, it carefully concealed from Spain the fact that it was making such a treaty, and, even after the treaty was made and signed, denied that it had made it. The only recognition of the ''Bourbon Family Compact'' in the treaty was in a private clause, which provided that Spain's assent should be secured before the treaty became valid. On January 8, 1778, further negotiations took place, the French stipulating that they were not to help America subdue Canada or the British West Indies, and were to give only naval aid. Ten days later Gerard brought to the American commissioners tentative drafts of the treaties for consideration. More than a fortnight of consideration and discussion followed, all conducted with profound secrecy. Franklin secured the insertion into the treaty of a recognition of the principle first set forth by Frederick the Great of Prussia, and warmly advocated by Franklin, that ''free ships make free goods,'' a principle which afterward formed the basis of the Armed Neutrality, and for which Russia has received much unmerited credit. There was much discussion, also, over the question of West India trade. Congress had instructed the American commissioners to urge that no export duty should be imposed by France upon molasses shipped from her West India islands to the United States, that commodity being particularly important to America as the raw material of rum. When the Americans asked this stipulation, the French, through Gerard, asked some corresponding concessions, and much dispute ensued, in the course of which the cantankerousness of Arthur Lee came near to wrecking the whole business. Finally, however, an agreement was reached, and on February 6 the treaties were signed, under a strict pledge that they were to be kept secret until France was ready for their publication. The news of them, however, leaked out; just how has not appeared. Deane and Lee each accused the other of betraying them, and Lee even went so far as to accuse Franklin. Presently Deane was recalled, and John Adams was appointed to fill his place. Adams took Lee's side in his controversy with Deane, and it seems probable that Lee was entirely honest in these particular matters, if not in all others, though he was doubtless much mistaken on many points, and was by natural temperament quite unfit for diplomatic work. Moreover, the plan of maintaining three coequal representatives at the French court was an impractical one that was sure to cause trouble, and it was therefore a most auspicious thing for Congress, in October, 1778, to make Franklin sole minister to France.

Thus France at last formally gave to America the long-promised countenance, if not as yet much material aid. It is instructive to note to what date it was postponed. Lexington, Concord, Ticonderoga, Crown Point, Bunker Hill, Arnold's expedition to Quebec, and the Siege of Boston, all occurred before the Declaration of Independence. The battles of Fort Moultrie, Long Island, Harlem Heights, White Plains, Fort Washington, Trenton, and Princeton were all fought before France gave us even any secret aid beyond that of "Hortalez & Co." Thereafter the battles of Ridgefield, Ticonderoga, Bennington, Oriskany, Brandywine, and Germantown, the flight from Philadelphia, the surrender of Burgoyne, and Lord North's notice of proposals for conciliation, all came before France would make a treaty with the country she had so much incited to war and had so much promised to aid.

The French, we have seen, made it clear in the treaty that they were not to help the United States conquer Canada. More than that, they were strongly opposed to any attempt at such conquest, and earnestly strove to dissuade the Americans from making it. When Gerard came hither as the first French minister to the United States, some of his earliest and most strenuous efforts were directed, though vainly, to restraining Gouverneur Morris from so much as mentioning Canada in the congressional instructions to Franklin. He also urged with equal earnestness that the United States should not seek in the Northwest Territory a frontage on the Mississippi River, lest Spain should be alarmed and antagonized. The French policy was to let England retain Canada and the Northwest Territory, so as to keep the United States small and comparatively weak, to prevent this country from gaining territorial dominance on the continent, and to leave the largest possible probability of further friction and conflict between England and the United States, to the injury of both. France's interest was not in our welfare, but in the weakening and ultimate ruin of both America and England. She was willing to help America in order to injure England, but she did not mean to let America grow too strong, and she would be quite ready in turn to help England in order to injure America, if that would serve her own selfish purpose. Gerard admitted that if we antagonized Spain, France would stand with Spain rather than with us; and it was perfectly notorious that Spain did not want the United States to become independent, but wished us to remain always so weak as to "feel the need of sureties, allies, and protectors."

There was in America from the beginning a strong ambition to conquer and annex Canada, though Washington never shared it, but rather opposed it. Lafayette, it is interesting to note, wanted to conquer Canada for France, with the help of the United States. He thought that France should help the United States to win independence, and that the United States in return should help France to recover Canada. Many Americans, in the first flush of enthusiasm over the French alliance, favored that scheme, and when Lafayette proposed to Congress in October, 1778, that Canada should be conquered, for America if not for France, there was at first a prospect that it would be approved. Washington, however, threw all the weight of his advice against it. He was unalterably opposed to letting France have Canada, for then, with the Spanish at New Orleans and along the Mississippi, the United States would be within the grip of France and Spain, just as the colonies were at the beginning of the French and Indian War. Moreover, if France helped us to win Canada for ourselves, there was danger that she would be tempted to take it for herself. "Men are very apt," he wrote to Congress, "to run into extremes. Hatred of England may carry some into an excess of confidence in France, especially when motives of gratitude are thrown into the scale. Men of this description would be unwilling to suppose France capable of acting so ungenerous a part. I am heartily disposed to entertain the most favorable sentiments of our new ally and to cherish them in others to a reasonable degree. But it is a maxim, founded on the universal experience of mankind, that *no nation is to be trusted further than it is bound by its own interest;* and no prudent statesman or politician will venture to depart from it." The Father of his Country never spoke or penned wiser words than those, which are worthy to be engraved in gold upon the walls of every state department and chancellery in the world; and it was of inestimable value to America that the author of those words was the first President and therefore the founder of the foreign policy of the constitutional republic. It it true that Congress did not altogether follow the counsel of Washington in this matter. It is also true that Washington was mistaken in supposing, as he did, that Lafayette had been prompted by the French king and his ministers to make the proposal of Canadian conquest. But the general principle of Washington's policy was sound, and in the end it prevailed.

The fact is that the French government, far from wishing to conquer Canada, was vigorously opposed to any such scheme. Vergennes did not mean, if he could help it, to have the United States become a great power, so as to dominate the continent. Canada must, he insisted, be left to England, and Florida must be Spain's. He also suggested to Spain the practicability of her seizing the Northwest and Southwest territories, between the Mississippi and the Alleghenies; and even urged the American Congress to let Spain have those lands without demur, declaring that France would not help the United States to get them for itself.

To return, however, to the date of the French alliance. Eleven days after the signing of the treaty, and before the news had widely leaked out, Lord North, on February 17, introduced into Parliament two bills looking to an arrangement with America. One of these declared that Parliament had no intention of exercising the right to tax America. The other provided for the sending of commissioners to America, to make peace on the basis of the *status quo ante bellum.* The British government thus proposed to acknowledge that it had been altogether in the wrong, and to concede all America's demands, save actual independence. Such overtures to America would not have satisfied all. Probably they would not have been accepted by Congress. But they would no doubt have been acceptable to many, and the making of them would have caused grave dissensions in this country and might have ruined the cause of independence. But of course it was now too late, after the making of the French treaty, for them to have any such effect. Indeed, they were destined in advance to be discredited in Parliament. For news of the signing of the treaty of friendship and commerce between France and America had at last got out. It had reached the ears of Horace Walpole, and he had imparted it to Charles James Fox. So when Lord North sat down, after introducing the bills, Fox arose and asked whether a treaty had not already been made ten days before, between France and America, and if so, if the British government was not too late with its proposals for conciliation. Lord North hesitatingly admitted that he had heard hints of such a thing. There is little doubt that he spoke truly, and that he had heard nothing more than vague hints. But the mischief was done, and Parliament realized that the useful promise of the bills was destroyed. The bills were indeed passed, and Townshend's fatal policy was nominally reversed and repudiated. On March 11 they received royal assent, and a little later three commissioners were sent to America to make peace. But it was too late. Congress summarily rejected the overtures.

The disclosure of the treaties had its natural effect in causing hostilities between France and England. On March 13, 1778, the Marquis de Noailles, the French ambassador in London, announced to the British government that France had made a treaty of friendship and commerce with the United States. He did not mention the treaty of alliance, nor was it necessary that he should do so. The other was sufficient to arouse England's resentment. Ten days later Lord Stormont, the British ambassador, abruptly left Paris without taking leave of the French government. A week later Gerard sailed for America, the first French minister to the United States. Within a month more French and British fleets sailed for American waters, and the war between France and England had begun. It was in such circumstances that the "forlorn hope" of the three English peace commissioners came to America. Their attempts to negotiate, at first with Washington and then with Congress, failed utterly. But in a letter to Congress, in June, they made some comments upon the French alliance which are worthy to be recalled. "We cannot but remark," they wrote, "the insidious interposition of a power which has from the first settlement of the colonies been actuated with enmity to us both; and, notwithstanding the pretended date or present form of the French offers to North America, it is notorious that they have only been made because it was believed that Great Britain had conceived the design of an amicable arrangement, and with a view to prevent reconciliation and to prolong this destructive war." In that, it must be confessed, the English commissioners expressed practically the truth concerning the French government and its motives, though not, of course, concerning some individual Frenchmen such as Lafayette. But it will be remembered that the French king did not approve Lafayette's generous conduct toward America, and strove to prevent it and to punish him for it, even to the extent of imprisoning him. Yet Lafayette seems, in his noble enthusiasm, to have invested the attitude of the French government with the same fine spirit that marked his own, and he resented this letter of the commissioners so bitterly that he challenged the Earl of Carlisle, one of the commissioners, to fight a duel over it, a challenge which Carlisle declined.

Meantime, some interesting complications were in progress with Spain. We have seen that Vergennes, at first protesting that France could not make the American alliance without Spain's assent, finally did make it without Spain's assent or knowledge, and he had his representative in London deny to the Spanish ambassador there that such a treaty had been made. When at last the facts came out, the Spanish government was indignant. Charles III of Spain earnestly desired the maintenance of peace in Europe. Moreover, he distrusted France, and feared that Spain would be made her tool and would be sacrificed to her selfish interests. His chief minister, Florida Blanca, took even stronger ground. He aspired to be the dictator of American affairs, and to restore Spanish dominance upon this continent. His wrath at France's recognition of American independence was therefore great. He promptly turned to Spain's ancient enemy, England, and proposed something much like an alliance with her. His suggestion was that Spain and England should coöperate for the settlement of American affairs. England was to keep Canada, Nova Scotia, and the Northwest Territory, and Spain was to have all south of the Ohio River and the whole coast of the Gulf of Mexico, which was to be a "closed sea" belonging exclusively to Spain. However, Great Britain was to have the right to navigate it, and also to navigate the Mississippi River through Spanish territory. The United States, if permitted to be independent, was to be confined to the narrow strip between the Allegheny Mountains and the Atlantic, extending from Maine to Georgia; but Great Britain was to hold Rhode Island, to break the continuity of the coast line. The reply of the English government was that it could enter into no negotiations so long as France was assisting the American rebels.

Then Florida Blanca turned to France, and sought to negotiate a treaty as advantageous as possible to Spain. He especially wanted to shut the United States away from the Mississippi River, and he proposed to join forces with Vergennes, and even to approve the latter's alliance with America, which he had a little time before denounced as "worthy of Don Quixote." He urged upon Vergennes various plans of campaign. One was to invade England itself. Another was to settle American affairs by making the United States independent, but giving Rhode Island to Great Britain, in order to weaken the United States and to make lasting irritation and trouble between it and England. No wonder that Vergennes declared that Spain never had anything in common with the United States! This latter proposition was too radical for France, though Vergennes, who through Montmorin, his representative at Madrid, was almost desperately endeavoring to secure Spanish support in the war with England upon which he was entering, suggested that France had not committed herself to American sovereignty over the territory west of the Alleghenies, and might conspire and coöperate with Spain to rob her of it and keep the United States away from the Mississippi. This half-promise, which France afterward loyally strove to fulfil, went far toward persuading Spain to ally herself with France. There is little doubt that Charles III sincerely wanted to keep the peace. He also feared that in an alliance with France, for war upon England, Spain would be made the tool of France. Still, he desired to win back Florida, Jamaica, and Gibraltar, which the British had taken from Spain. The Spanish ultimatum to France, therefore, was that the United States should be shut away from the Mississippi, and that peace should not be concluded until England had been compelled to surrender Florida, Jamaica, and Gibraltar. To these terms, Vergennes, in his desperation, agreed.

The treaty of Aranjurez was accordingly signed between France and Spain, on April 12, 1779. Under its terms, Spain was to aid France in warring against England, and neither party was to make peace with England without the assent of the other. Such assent was not to be given by Spain until she had regained Gibraltar, nor by France until the British hold upon Dunkirk had been fully relinquished. Spain did not by this treaty ally herself with America, nor did she contemplate such a step. Indeed, it was stipulated that she should not do so, save with the express permission of France. The latter did not want Spain or any other power to aid the Americans, lest they should thus win their independence more quickly than France desired, and should do so without being made to feel much dependence upon and gratitude toward France. The French aim was to let America become independent just when it suited France, and to just such an extent as suited France; and to make America feel that she owed her independence to France and must therefore continue to regard that country as her benefactor and protector. In these circumstances it is not surprising that France kept the terms of this precious treaty secret from America. If they had not been kept thus secret the French minister, Gerard, would have had a still more difficult task on hand than he had when he came hither and tried to persuade the committee of Congress on foreign affairs to modify American demands and ambitions so as to meet the wishes of Spain; his argument being that if that was not done, Spain would not help France, and then France could not help America. He further intimated that if the United States would abandon its claims upon the territory between the Alleghenies and the Mississippi, and to a frontage upon the latter river, Spain would recognize American independence and make with the United States a treaty of commerce. Probably Gerard himself believed this to be true. But no good reason exists for supposing that it was true, or that any such fatal sacrifice by this country would have gained the actual aid of Spain.

That the chief aim of France in allying herself with America was to cripple England is unquestionable. Equally certain is it that both France and Spain at an early date feared lest they should be led to play the part of Frankenstein, by aiding in the creation of a new power that should in time overshadow both. Accordingly France, almost as soon as the treaties with America were made, began to look about for precautions against the too great growth of the United States, while the same motive was absolutely dominant in the Spanish mind. Thus was presented the strange spectacle of one actual and one potential ally of America devoting their thought largely to ways and means for fettering and crippling America and making it from its birth a dwarf and a weakling among the nations. Vergennes, in October and November, 1778, expressed to Montmorin, his minister at Madrid, fears lest in time the natural ties of race and blood should incline America toward commercial intimacy and political friendship with England, and he promptly agreed with the suggestion of Florida Blanca, that the possession of Canada and Nova Scotia should be guaranteed to Great Britain, in order that the United States might not become too great and in order, also, to create a perennial source of irritation and possible warfare between the United States and Great Britain. That is to say, our ally guaranteed protection and security to our enemy, against us! True, Vergennes would not go quite so far as to accept Spain's proposal, that Rhode Island and perhaps New York, too, should also be guaranteed to Great Britain, because, he said, France had already recognized the independence of the Thirteen Colonies, including Rhode Island and New York. But, he added, ''We are very far from desiring that the nascent republic should remain the exclusive mistress of all that immense continent.'' Expectation and hope were combined in his prophecy to Montmorin that the United States would ''never be anything more than a feeble body, capable of little activity.''

The Spanish attitude toward America was further and unmistakably revealed in the declaration of Florida Blanca, shortly before the making of the treaty with France. ''The king, my master,'' he said, ''will never acknowledge their independence until the English themselves shall be forced to recognize it by the peace. He fears the example which he should otherwise give to his own possessions.'' It was with that understanding that the treaty was made. France bound herself to invade Great Britain or Ireland, to help Spain recover Gibraltar, Minorca, Florida, the Bay of Honduras, and the coast of Campeche, and, if she should gain Newfoundland for herself, to share its fisheries with Spain alone to the exclusion of the United States. France, moreover, expressly bound herself not to make peace nor even to grant a suspension of hostilities with England until Gibraltar should have been restored to Spain. On the other hand, Spain was authorized to require, as the price of her friendship, that the United States should renounce all frontage on the Great Lakes and the basin of the St. Lawrence, all navigation of or even approach to the Mississippi, and even the possession of any land west of the Allegheny Mountains! Thus within little more than a year after making her treaties with the United States, France assented to and even urged a scheme for restricting this country forever to the petty coast strip occupied by the colonies before the French and Indian War. She also modified, if not superseded, her pledge not to make peace with England until our independence was granted, with a pledge to another nation not to make such peace until its ends were gained. That was a practical fulfilment of Gerard's warning that as between Spain and America, France would side with Spain. In that treaty France deliberately sacrificed American interests in behalf of Spain, and gave the amplest justification for the disregard of French interests which Jay, Adams, and Franklin afterward displayed in the making of the treaty of Paris in 1783. There are few more satisfactory chapters in our history than those which tell how George Rogers Clark baffled the designs of Spain by winning our frontage on the Mississippi, and how the three peace commissioners at Paris baffled France's malevolence by making the peace treaty without the consent or even the knowledge of the French government.

The coming of Gerard to America as the first French minister was hailed with much joy and exultation, and rightly so. It was an incident of great value to America. Nevertheless, it was also fraught with possibilities of mischief and ruin to this country, and we have cause to be grateful that there were in Congress and in the army men wise enough to discern the meaning of Gerard's suggestions and the mischievous character of his advice. We have already cited some of his utterances. He also told Congress that if America did not abandon all pretensions to navigation of the Mississippi, and concede to Spain a monopoly of that river, Spain might join England against the United States. He added that if France had to choose between an alliance with Spain and one with America, she would choose Spain and let America go. America, he said, must not expect to have her independence recognized by England for a long time to come. Thus Holland's independence had not even yet been formally recognized by Spain, nor had that of Switzerland. The latter country enjoyed its "sovereignty and independence only under the guarantee of France." His intimation, and doubtless Vergennes's intention, was that the United States should be content with a similar status. Indeed Vergennes, in his instructions to Gerard, expressly declared that should the United States become independent, it should be so hemmed in by foreign powers as to be forever dependent upon France for the maintenance of its nominal independence. England was to keep Canada. Spain was to have a monopoly of the Mississippi River. The United States was to be excluded from the North Atlantic fisheries, which were to be divided between France and England.

Well might America at that time have prayed to be saved from her professed friends! France had intervened ostensibly in her behalf, not so much to help her as to prevent her from winning too great a victory and from becoming too powerful a nation. It was not that France loved America, and wished to help her, but rather that she feared her and wished to cripple her and stunt her growing power. Happily, America did not accept all of Gerard's pernicious counsel, though it did accept enough to cause it some loss and future trouble. Thus it renounced its claims upon Nova Scotia and Bermuda, and for the time waived its rights to the North Atlantic fisheries. Had it not been for this, Bermuda would have become a possession of this Union, as the correspondence of the Tuckers—a Bermuda family—shows, and the subsequent controversies over the fisheries would have been avoided. Congress did refuse to sacrifice the Northwest Territory and the frontage on and navigation of the upper part of the Mississippi River, and it was because of that refusal that Spain declined to lend money to the United States. This was made clear when John Jay went to Spain in 1781, to negotiate a treaty and secure a loan. Congress instructed him to offer to guarantee Spain's possession of Florida, and also to concede to Spain the monopoly of the Mississippi below the thirty-first parallel of latitude. There was even a suggestion that he might, if necessary, agree to surrender to Spain everything west of the Allegheny Mountains, including Kentucky, Tennessee, Ohio, Indiana, and Illinois. But John Jay was too great a statesman and patriot to act upon such insane instructions. He never revealed them to Spain, but sought a treaty on honorable and prudent terms; wherefore Spain refused to make any, or even to recognize him as an official envoy.

To return to the French treaty with America. That was made in the winter of Valley Forge. That was a time when America needed immediate help, if ever she needed it or was to get it. But such help, in the form of military or naval succors, was not forthcoming. We have already seen how, long after the beginning of the Revolution, France waited before she gave us recognition. A similar delay occurred after recognition before actual assistance was given. The treaties were made at the beginning of February. They were kept secret until the middle of March. Then war was declared between France and England. But it was not until July 8, nearly four months later, that the first French ships reached Delaware Bay, bearing an army of four thousand men and also Gerard, the French minister. Meantime, without any aid, the Americans had emerged from Valley Forge, had compelled the British to leave Philadelphia, and had fought the important battle of Monmouth. When the French fleet reached the Capes of the Delaware, the British were in possession of only two important places in all the United States, namely, New York and Newport. Nor even then did the French act promptly for finishing up the war. The capture of Newport was attempted by the Americans at the end of July, but the French failed to coöperate and the attack failed. A siege of Newport was maintained until the end of August, but the French did nothing toward it and it had to be abandoned. Indeed, practically nothing was done by the French to aid us, in all that first year of the alliance, save to lend us money; though all the time Gerard was busy with his evil counsels to Congress, trying to get the young republic to commit suicide in its cradle.

The next year, 1779, was even less profitable to the American cause, and was marked with even less helpfulness on the part of our French allies. Wayne stormed Stony Point, but had no French aid in doing so. Paul Jones startled the world with his fight off Flamborough Head, but the French coöperation there was more harmful than helpful to him. France busied herself with helping Spain in futile assaults upon Gibraltar, to the neglect of America, to whom her aid had first been pledged. It is true that the loyal and gallant Lafayette showed himself as devoted to the American cause, and as energetic in it, as Washington himself. But how was he regarded in France? He went thither in February, 1779, to secure more aid for America, but was received by the king with grave displeasure, and was actually sent to prison for a week, to punish him for his interest in American independence. The queen, it is true, treated him with favor, and expressed sympathy with America; but more on grounds of girlish sentiment than on those of conviction or political reason and policy. So that year passed, and the war lagged. In fact, the French alliance was doing far more harm than good. The wearied Americans had been led to expect practical aid in battle, and had thus been tempted to relax their own efforts and to secure for themselves a little of the rest which they so sorely needed. "There is a just God," Patrick Henry had said, "who will raise up friends to fight our battles for us." The Americans, exhausted after the herculean exertions of Valley Forge and Monmouth, trusted to those friends to fight their battles for them, and the result was that the battles were not fought, or were lost. It is by no means beyond bounds of reasonable supposition that if the Americans had not been deluded by expectations of immediate French aid in battle, they would themselves have fought the war to a victorious ending in 1779, or at latest in 1780.

That was not to be. While the Americans vainly waited for the expected aid, British activities were renewed and disaster came to the Americans in the South, and Arnold's treason was being planned in the North. Lafayette did his best for us. He remained in France for more than a year, daily urging that an army of at least 12,000 men be sent to America, not under a French general to coöperate with Washington, but to be incorporated directly with Washington's army and to serve directly under his command. In this he was energetically seconded by the gallant but ill-fated Admiral d'Estaing. All he could secure, however, was a promise from Vergennes, to be repeated to the American government, that some help would be sent, and with that he returned to this country, in April, 1780. Three months later Ternay's fleet, with Rochambeau's army of 6,000 men, reached Newport, and lay there, bottled up and idle, for a year. Vergennes meant to send 6,000 more, thus fulfilling Lafayette's request, but the British fleet prevented him from doing so. That year, while Ternay lay idle and helpless at Newport, was one of the most disastrous to the Americans in the whole war. Lincoln surrendered to Clinton at Charleston, the incompetent Gates was defeated at Camden, and Arnold sought to betray West Point to the British. In such circumstances, Ternay wrote from Newport to Vergennes that the outcome of the Revolution was still doubtful, and that the American cause had not made nearly as much progress as Europeans supposed.

Early in 1781, however, the Americans began to recover from their deplorable dependence upon French aid, and to act upon the principle that "who would be free, themselves must strike the blow!" Greene and Morgan set about recouping the losses suffered under Gates, and by midsummer it was evident that the Americans were at last surely working out their own salvation. The chief aid given by France in the first half of the year was indirect though not without material value. A great fleet was sent out under De Grasse, to attack Jamaica and seize it for Spain. In that design it was unsuccessful. But it performed the valuable service of diverting British attention from the United States to the West Indies, and of drawing toward the latter the British armaments which might otherwise have been directed against our shores. At the middle of August the French fleet came from the West Indies toward the Chesapeake Bay, reaching the latter at the end of the month. It is to be noted, however, that this was done not primarily to aid America but to promote the French and Spanish interests in the West Indies, the theory being that a French naval demonstration on the coast of Virginia would attract British attention thither and thus aid the anti-British campaign in the West Indies. Meantime, Lafayette, with a skill and heroism rarely equaled, kept Cornwallis cooped up at Yorktown until Washington, with Rochambeau's army from Newport added to his own, made his wonderful rush from the Hudson to the Chesapeake. Then the end quickly came. While the French fleet kept guard off shore, the French allies on land helped Washington to press his lines nearer and nearer to Cornwallis's defenses, until at last, on October 17, the white flag went up, and on October 19 Cornwallis surrendered; and the Revolution was all over, save the determination of the exact bases of peace.

Before leaving this part of the story, however, we must briefly consider the attitude of other powers toward America, and the American relations with them, during the actual war of the Revolution, as distinguished from the time of peace-making at the end. Prussia during the Seven Years' War had risen to a place among the great powers of Europe, and her favor and assistance were much desired by the Americans. It was thought that there would be a possibility of enlisting the active sympathy of Frederick the Great in the American cause, partly because of the liberal views which he held in strange connection with his absolutism, and partly because he was much exasperated against England for what he regarded as her desertion of him in the latter part of the Seven Years' War. Arthur Lee was accordingly sent to Berlin as the American envoy. He was of all men one of the least fitted for diplomacy, and it may be that his unfitness was the cause of the failure of his mission. He was hospitably treated by Frederick's minister, Baron Schulenberg, but was not received by Frederick himself and never secured official recognition as an accredited envoy. In the fall of 1777 and spring of 1778, it is true, Frederick refused to let the mercenaries of other German States pass through Prussia on their way to America as hirelings of the British. But it was quite clear that he did so not because of a wish to protect America so much as because of his contempt for and detestation of the mercenary system. He expressed great interest in Washington's victory over the British and Hessians at Trenton, but it was admiration for Washington's military genius rather than gratification at the result. So great a soldier as he could not have helped appreciating and admiring that performance of Washington's, which was one of the most brilliant and effective in the whole history of warfare. There has long been extant a story that Frederick sent to Washington at that time a sword, inscribed ''From the Oldest General to the Greatest.'' It is possible that he did so, but the story does not seem ever to have been satisfactorily authenticated.

Frederick, through Baron Schulenberg, did indeed promise Lee, in January, 1778, that Prussia would recognize American independence whenever France did so. But the promise was not kept. France soon afterward made her treaties with

America, but Frederick merely renewed his promise without fulfilling it. He wrote to Franklin, in Paris, that he would probably soon recognize American independence, but that recognition did not come. He would not even open his port of Emden to American warships and their prizes, for the reason that he did not feel strong enough to defend and maintain its neutrality against British resentment, seeing how open that port was to British attacks. He did, however, open his ports to American merchantmen, and he finally opened his Baltic port of Dantzig, which was less exposed than Emden to attack from Great Britain, to American warships; by which act he in a measure, by implication, recognized the belligerent status of America. It is possible that he would have gone further and would have given the United States full recognition, but for the fact that he presently became involved in a grave dispute concerning the succession to the Bavarian crown, in which as the champion of Germany he was constrained to join with Saxony in resisting Austrian aggressions, and in which the cultivation of friendly relations with England seemed necessary. ''At this moment,'' he wrote, ''the affairs of England with her colonies disappear from my eyes.'' Again, in response to Arthur Lee's importunities for recognition as the minister of the United States at the Prussian court, he said: ''We are so occupied with Germany that we cannot think of the Americans. We should be heartily glad to recognize them, but at this present moment it would do them no good, and to us might be very detrimental.'' Thereafter Frederick so far modified his resentment against England as to permit the passage of a few mercenaries through his dominions on their way to America, and he promised to protect Hanover from French attacks. But he steadfastly refused to make any alliance with Great Britain. His attitude until the end of the war was one of cold indifference toward the American struggle. Germany was his world, and beyond the borders of the Fatherland his sympathies and interests did not extend. He wrote truly to his brother concerning relations with America and England, ''I propose to procrastinate in these negotiations, and go over to the side on which Fortune shall declare herself.''

We have already considered the attitude of Russia in 1775–76, and have seen that it was in no respect sympathetic toward America, but rather inclined to the British side. The fact that Kosciuscko, Pulaski, and other Poles, who certainly had no love for Russia, promptly allied themselves with the American cause, was also an indication that Russia was more hostile than friendly to America. There were, however, still stronger manifestations of Russia's preference for England. Early in 1778 the British ambassador to Russia, Sir James Harris, afterward Earl of Malmesbury, began negotiations for a close alliance between Great Britain and Russia, to offset the Franco-American alliance, which lasted practically until the end of the Revolution. It is true that the alliance was not made, though it came very near consummation. Catherine the Great was an admirer of Voltaire and of Charles James Fox, and her minister, Count Panin, was little more than a puppet in the hands of Frederick the Great, whose feelings toward the British government were not amiable. For these reasons Catherine hesitated to show favor to the ministry of Lord North. Nevertheless, neither she nor any of her court ever expressed any sympathy with America. On the contrary, her favorite lover, Prince Potemkin, who had more influence than most of her ministers, intimated to Sir James Harris that the desired alliance of Russia with Great Britain, against France and America, would be made if Great Britain would give to Russia the Mediterranean island of Minorca. The British government hesitated. It wanted Russia as an ally, but it did not relish the idea of letting her have that important island and thus establish herself as a power in the Mediterranean Sea. So the negotiations were prolonged, Russia demanding Minorca as the price of her alliance and Great Britain striving and hoping to persuade her to be content with a less price. Finally, in 1781, Great Britain yielded and agreed to give her Minorca. But it was then too late. Russia had entered into other relations, and would not make the alliance even on these terms.

Russia did, however, render to Great Britain a signal service. We have seen that in 1775, while declining to provide a mercenary army for his uses—saying that she would like to do so but was physically unable—Catherine assured King George that she would gladly aid him against America in any way she could.

That promise was fulfilled in 1778. Early in that year France recognized American independence and formed an American alliance. Thereupon Catherine, through Count Panin, assured King George, through Sir James Harris, that so long as Great Britain treated the Americans as rebels, Russia would refuse to recognize their independence. That promise was faithfully fulfilled. Russia did in fact refuse to recognize American independence until long after it had been recognized elsewhere. Great Britain herself recognized American independence and entered into treaty relations with the United States long before Russia did. Nor was that all. In December, 1780, Congress sent the accomplished Francis Dana as American envoy to St. Petersburg, and instructed him to engage, if possible, the Russian empress ''to favor and support the sovereignty and independence of the United States,'' to secure the admission of the United States as a party to the conventions of the neutral maritime powers, and to establish friendly relations between the two countries. He was also to seek a treaty of amity and commerce with Russia similar in spirit to that which had been made with France. He was not, however, at once to announce his public character, but was first to find out privately from the French minister at St. Petersburg the disposition of the Russian court toward America.

Dana was at this time in Paris, serving as secretary to John Adams. On receiving his instructions he applied to Adams and Franklin for advice, and by Franklin was referred to Vergennes. The latter discouraged him so far as he could from undertaking the mission, saying that he did not approve of his going to Russia in his public character and advising him to consult the Russian minister at The Hague concerning the propriety of his going privately. Franklin also gave Dana little encouragement. Adams, on the other hand, urged him to set out at once for St. Petersburg according to his instructions, and to have nothing to do with the Russian minister at The Hague or with any one else connected with the Russian government until he met the French ambassador at St. Petersburg. Dana accepted this advice and acted upon it, reaching St. Petersburg in August, 1781.

There he placed himself in communication with the French minister, the Marquis de Verac. The latter had probably received from Vergennes information of Dana's coming and instructions as to how to receive him. He wrote to Dana that he must not make his mission known nor make any advances to the Russian court, for Russia would not recognize the minister of a power which had not yet, in Russian eyes, any political existence. This was not pleasing to Dana and he replied to Verac that he intended to communicate confidentially with the Russian foreign minister and to seek, through him, to present a memorial to the empress. Verac in return told Dana bluntly that Russia and the other neutral powers would have nothing to do with the United States until its independence had been acknowledged by Great Britain. At this Dana decided to wait until he could receive further advices.

It was Dana's not unreasonable conviction that the French government was jealous of his attempt to secure from Russia recognition of American independence. Vergennes, however, declared that the French government simply wished to save Dana and America from receiving a humiliating rebuff from the Russian court. Russia, he said, would have little to gain from the independence of the United States, since American products would compete with those of Russia in the markets of the world. Moreover, the empress, as an absolute monarch, detested revolutions and could not be expected to aid or countenance one. These plausible explanations were accepted by Congress and its secretary for foreign affairs, Livingston, and Dana was accordingly instructed not to present his letter of credence to the Russian court until he had obtained some assurance of its favorable acceptance.

When at last news came that the preliminary treaty of peace had been signed by the British and American commissioners, Dana was overjoyed and expected that at last he would be recognized and received. In this, however, he was doomed to disappointment. Verac insisted that he must wait until the final treaty was signed and until the attitude of the other European powers was ascertained. On March 5, 1783, a confidential messenger from the empress informed Dana that he might communicate his mission to one of her ministers at any time, though he might not receive a prompt answer. Two days later, therefore, he communicated his mission to Count Ostermann, the minister for foreign affairs, and requested an audience with the empress. Ostermann seems to have revealed this to Sir James Harris, the British ambassador at St. Petersburg, who at once, on his own authority, protested against any Russian negotiations with an American minister until the final treaty was made and ratified; adding that for Russia to do so would certainly alienate Great Britain forever. In reply, Harris received assurances from the empress herself that no American agent would be received until after the ratification of the final treaty, or until Great Britain herself received one.

Thereafter Ostermann adopted a policy of delay toward Dana, refusing to see him for more than a month. Finally he informed Dana that the empress would not receive him until the making of a definitive treaty by Great Britain, France, and Spain; that even then Dana must have a letter of credence dated since the making of such a treaty, and since the date at which the empress should herself recognize American independence; and finally that an American minister would not be received by her until one had been received by the King of England. Dana requested Ostermann to put these conditions in writing, but the Russian refused to do so. A fortnight later Dana made a vigorous written reply to Ostermann, protesting against all these conditions and arguing that they were contrary to international law. He added that these were simply his private sentiments and not an official expression of the views of Congress. To this Ostermann made no reply, but in a personal interview some time later he protested that Dana had misunderstood the attitude of the empress.

The making of peace lessened the desire of Congress for the establishment of relations with Russia and in April, 1783, Congress adopted a resolution authorizing Dana to return home, provided he was not at the time engaged in negotiations with the Russian government. Dana wrote in reply to Livingston that he was persuaded that no treaty with Russia could be obtained without going to the pecuniary expense to which other powers were put in such matters; and that as Congress had not authorized such procedure he would return to the United States as soon as possible. He also wrote to Ostermann that on account of ill health and private affairs he had secured the permission of Congress to return home and therefore would not trouble the empress further about an audience. Shortly afterward he left St. Petersburg and returned home. He did not go to Russia again and no one was sent thither to replace him. Congress passed a resolution in April, 1784, to the effect that it would be advantageous to make a treaty with Russia, and in 1785 John Adams wrote from London that the Russian ambassador there had several times asked why none was made. But nothing in that direction was actually done.

Again in 1782, in the closing months of the War for Independence, the Count du Nord, a son of Empress Catherine, visited the Russian minister, Prince Bariatinski, in Paris. He at once entered into social relations with all the foreign ministers there excepting only Franklin, the American minister. When one day the prince's servant sent the count's and the prince's cards to Franklin, as to all foreign envoys, and Franklin in return called at the prince's house and signed his name in the visiting book, there was a tremendous row. The servant was in danger of losing his place for his blunder, and the prince took extraordinary pains to hush the matter up, not wishing it to be known that he and the count had, even to that extent, and that unintentionally and through a blunder, recognized the American envoy! And that was at a time when nearly all other foreign representatives were going out of their way to pay respects to Franklin! The case was ended by Franklin's contemptuously burning up the Russian prince's card and sending him word to erase his name from the book. At almost the same moment when the Russian nobles were acting in such fashion, the King of Denmark was inviting Franklin to dine with him, and the Swedish minister was, at his sovereign's command, seeking to make a treaty with America through him.

Even that is not all. At about the same time Franklin received a letter from Mr. Dana, at St. Petersburg, reporting that the news that Holland had recognized American independence had given a shock at the Russian capital and had not been well received. Again, John Adams, at The Hague, in a letter to Franklin in June, 1782, expressed his suspicion that Russia was making intrigues in England's favor. Many other historical evidences to the same purport might be cited, were it necessary. But these indications of Russia's lack of sympathy for, if not of actual hostility to, America will in the absence of a single mark of sympathy be sufficient.

The so-called Armed Neutrality deserves attention at this point, as an interesting factor in the Revolution, and as the basis of some entirely unwarranted pretenses of Russian friendship and aid for America. A too-common conception of the Armed Neutrality is that Russia, for the sake of aiding America, conceived and promulgated the doctrine ''free ships make free goods,'' and organized a continental alliance to maintain that principle against Great Britain. It would be difficult to form a greater misconception. The principle in question was first enunciated by Frederick the Great of Prussia, in 1752, and he alone is entitled to the credit therefor. In the summer of 1778, when the war between France and Great Britain had begun and the British fleet was taking great liberties with the commerce of all nations on the high seas with the view of preventing commerce with the American States, the French government recalled that declaration of Frederick's, and conceived the notion that it would be a good stroke to have it adopted as a rule of international law by a combination of powers too great for England to defy. The British navy was then overhauling Prussian, Swedish, Danish, and Dutch ships, particularly, and those countries would doubtless gladly join such a combination. But not one of those countries seemed quite suited for the leadership of the movement. Russia would have made a good leader. But Russia was on friendly terms with England and at the point of making an alliance with her, and the British navy was, moreover, under specific instructions not to molest or in any way interfere with Russian ships. At the outset, then, it seemed impossible to get Russia to assume the lead in the desired movement.

The astute French ministers, however, soon found a way to attain their end, through the use of Spain as a cat's-paw. Either at French instigation or on their own initiative, the Spanish in the winter of 1779–80 seized two Russian ships and confiscated their cargoes. That aroused Russia's wrath, and brought her close to the point of declaring war against Spain.

But then, just in time, Frederick the Great persuaded the Spanish minister, Florida Blanca, to offer the fullest possible amends to Russia. He also suggested to Count Panin, who was completely under Frederick's influence, that it would be a fine stroke of policy, and would prevent any more such incidents, for Russia to proclaim to the world the doctrine that Frederick himself had enunciated twenty-eight years before, namely, that in time of war all neutral ships should be exempt from seizure, and their cargoes likewise, save when the latter consisted of contraband goods. Panin was dazzled with the idea, and flattered by Frederick's condescension in suggesting it to him, and he promptly urged it upon Catherine. The French government at the same time added its persuasion. Catherine was flattered by the practical offer of the headship of a great European league, and thus with little difficulty was prevailed upon to issue her famous proclamation of February 28–March 10, 1780.

That proclamation was addressed, let us observe, to the courts of London, Versailles, and Madrid, the three European belligerents in the war. The fourth belligerent, America, was entirely ignored. In that circumstance was an indication of Russia's unsympathetic attitude toward this country. To that we may add this significant fact, that with all her professions of neutrality Russia throughout the whole Revolution refused to give American warships access to her ports. The ships of England, of France, and of Spain were permitted to enter her ports and to enjoy there the privileges of belligerents in neutral ports. But the vessels of the United States were rigidly excluded. Nor was that all. Franklin, in making the American treaty with France, had inserted therein the very principle which Russia now proclaimed. He urged upon Congress that America should promptly adhere to the Armed Neutrality. Congress complied, and voted thus to do, and John Adams, at The Hague, was directed to enter into negotiations with the European powers to that end. But such application was frowned upon by Russia, and was rejected by her. The Armed Neutrality was formed by Russia, then, not at her own instance, but at the suggestion of Prussia and France. It was emphatically not formed for America's benefit, but on the contrary America was specifically excluded from it. It was not directed by Russia against Great Britain, but against Spain, with which country Great Britain was at war. Nor was it maintained in good faith by Russia, as we shall see.

Denmark and Sweden were the first to enter into the Armed Neutrality alliance with Russia. They did so promptly upon Russia's issuance of the proclamation. Their adherence was welcome to Russia, because of their proximity to her shore and their intimate relations with her commerce. France and Spain also adopted the principle. The Netherlands, Prussia, and Austria did so in 1781, Portugal in 1782, and the Two Sicilies in 1783. Turkey also signified her acceptance of it. Great Britain alone refused to do so, and in fact never accepted the principle until 1856. Meantime sympathy with America had been growing in the Netherlands. At the end of 1779 Holland opened her ports to American warships, particularly to Paul Jones. The thrifty burghers declined, it is true, to lend America money until France assured its repayment, because they were not yet sufficiently confident of our success. Nevertheless they were willing to go far in aiding us. In 1778 William Lee, the American commissioner, drew up with two prominent citizens of Amsterdam a draft of a treaty of friendship and commerce with the United States. It had no validity, as the government of Holland was not even cognizant of it, and it was kept secret for a time. But in October, 1780, the British captured an American ship bound for Holland, among whose passengers was Henry Laurens, and among his papers was a draft of this proposed treaty which Congress had approved and which he was taking back to Holland for final ratification. The British government was enraged. It peremptorily demanded of the Dutch government that it disavow the treaty and severely punish the chief magistrate of Amsterdam, who had signed it. The Dutch government did repudiate the treaty, but it could not constitutionally punish the magistrate. The incident was no adequate cause for war or even for offense. But the British government was angry with Holland for opening her ports to American ships, and so early in 1781 declared war upon her. Meanwhile Holland had joined the Armed Neutrality. The Russian minister to Holland reported to his government that that was the cause of the British declaration of war, which was perhaps partly the case. Holland therefore promptly made appeal to Russia for aid against England, which Russia was morally bound to give. But England now offered Minorca to Russia as the bribe for a Russian alliance, and although Russia did not accept the offer she was moved to remain friendly to England. She consulted Frederick of Prussia, declaring that she would fight England only if he would. He refused to do so, whereupon Russia decided to remain friendly with England, and abandoned her ally, Holland, to her fate.

During the Revolution attempts were made by Congress to enter into relations with various other European powers, especially with Austria and Tuscany, to the courts of which countries envoys were accredited. The result of such overtures was, however, entirely negative. In the era of peace-making at the close of the war those and other powers manifested a strong interest in America, fulfilling the saying of John Adams, that "It is obvious that all the powers of Europe will be continuously manœuvering with us to work us into their real or imaginary balances of power." But our actual foreign relations during the actual war were practically confined to those already mentioned, to wit, Great Britain, France, Spain, Russia, Prussia, and Holland. Among them we had one ally and one half-friend—the least of them all.

V

FRIENDS AND FOES IN PEACE-MAKING

ACTUAL preparations for peace-making were begun long before the end of the Revolution. It was not until October, 1781, that Cornwallis surrendered and thus brought to a conclusion the serious military operations of the war. But as early as January, 1779, the American Congress began to consider ways and means of peace-making, to formulate the conditions that should be demanded, to select the commissioners who were to negotiate the treaty, and to prescribe the rules by which they were to be governed in their work. This was not merely because of the confidence that was felt in the ultimate and indeed speedy triumph of the American cause, for these preparations for peace-making were conducted at a time when the outlook was gloomy and when a French officer, as we have seen, was reporting that the success of America was still dubious. It was suggested and almost necessitated by the terms of our relationship with France. Our treaty with her laid upon us the compulsion of consulting her in peace-making, and indeed of not making peace without her assent. So it appropriately came to pass that on January 14, 1779, Congress unanimously adopted a report from a committee of which Samuel Adams and John Jay were leading members, to the effect that the United States, in accordance with that treaty, would not conclude a peace with Great Britain without the formal consent of France.

Such unanimity did not, however, mark all the deliberations of Congress at that time in foreign affairs. On the contrary, that rapidly degenerating body, which began as one of the best and ended as one of the worst of parliaments, began to present to the outer world a divided and faction-rent front, such as might well have caused despair to all but the most hopeful and resolute. Whatever the domestic differences which divide a people, in foreign negotiations they should surely be united. That is desirable at all times. At so crucial a time as that it was particularly essential. But it was a lesson which Congress did not seem to have learned, or to heed. Washington, above all his fellows, with that clarity of vision and sanity of judgment which were the chief elements of his genius, perceived the necessity of union, and realized the menace of the divided counsels that then prevailed. "Our affairs," he declared, "are now come to a crisis. Unanimity, disinterestedness, and perseverance in our national duty are the only means to avoid misfortunes. . . . Nothing can save us but a total reformation in our own conduct, or some decisive turn to affairs in Europe." He might even have expressed himself more strongly without exaggeration. There is only too much reason for believing that Congress suffered from lack not only of unanimity but also of honesty.

It is known that all through the period of our peace negotiations the French government regularly subsidized various American journalists and other writers, who were in return expected to conduct a pro-Gallican propaganda, seeking in the very act of winning independence from Great Britain to make America a practical dependency of France. Away back in 1775 Bonvouloir had boasted, "I can do what I please with them!" meaning that by bribery, cajolery, or playing upon their prejudices and passions, he could make Americans subservient to selfish French interests. Nor did such exertion of alien influence and even of corruption prevail in only private and journalistic life. It entered public life, official life, and probably congressional life. Thomas Paine, who had formerly regarded and denounced Vergennes as a despot, according to Durand accepted a subsidy of $1,000 a year from him, through Luzerne, at the very time when he was secretary of the congressional committee on foreign affairs, and in return therefor wrote and worked in favor of France and the French alliance. Luzerne, the second French minister to America, openly boasted in 1781 that he had secured the election of Robert R. Livingston to the foreign secretaryship. We may not suppose Livingston to have been privy to or aware of Luzerne's intrigues. But it was a perilous and a disgraceful thing for our foreign relations to be thus subject to alien influence and dictation. George Pellew has related, with authority which we can scarcely challenge, that in after years

Gouverneur Morris and John Jay, both grown old, were sitting after dinner in Jay's house at Bedford, New York, recalling revolutionary times in which they had been leading participants and of which they had unrivaled knowledge. "Jay," said Morris, reflectively, "what a set of damned scoundrels we had in that second Congress!" "Yes," replied Jay, "that we had!"

Such was the situation, and such were Washington's feelings, at the beginning of 1779, and we know how dark the American outlook grew thereafter because of the lack of the very qualities which Washington so earnestly urged his countrymen to cultivate. The lack of unanimity was painfully obvious to Congress in the consideration of terms of peace. At the middle of February, 1779, a special committee of five was appointed to formulate the American demands. It consisted of Gouverneur Morris of New York, Thomas Burke of North Carolina, John Witherspoon of New Jersey, Samuel Adams of Massachusetts, and Merewether Smith of Virginia. In a few days the committee reported in favor of demanding, as ultimata, that the United States should have the Northwest and Southwest territories clear to the Mississippi, and should have not only a frontage on but free navigation of that river from its source down to the Florida line, with further navigation through to the Gulf and the use of a port on Spanish soil near its mouth; but that the United States should never seek to extend its sovereignty beyond the Mississippi, or indeed to expand its territories in any direction beyond the limits which should be prescribed in the treaty of peace; and that the fishing rights in the waters and on the banks and shores of Newfoundland should belong equally to the United States, France, and Great Britain. Congress debated the matter for a month, and then, under French influence, struck out the clause relating to the navigation of the lower Mississippi. Next a long controversy ensued over the fisheries. The New York delegation, led by Gouverneur Morris and John Jay and forming a part of the French or "pro-Gallican" faction, refused to insist upon demanding a treaty right to the fisheries, while the New Englanders, led by Elbridge Gerry, and forming the mass of the "anti-Gallicans," were as resolutely in favor of such a demand. In the end, largely through the intrigues and intervention of the French minister, Gerard, the former won. Congress refused to demand the right to the fisheries. That delighted Vergennes, who had all along opposed American rights in the North Atlantic, declaring that "the fisheries on the coasts of Newfoundland, of Nova Scotia, and of Canada belong exclusively to the English; and the Americans have no pretension whatever to share in them." Happily, Congress also set aside the astounding proposition of the committee, to bind the United States never to extend its domain beyond the Mississippi River, or beyond the limits fixed in the treaty of peace. So by the middle of June the terms were apparently settled, chiefly in accordance with the views of the "pro-Gallican" party, and Dickinson of Pennsylvania, Gouverneur Morris of New York, and Marchant of Rhode Island were appointed a committee to select a minister to negotiate the treaty.

But the matter was not settled. Two days later Gerry threw a bomb into Congress. He moved for a demand of the common right with Great Britain to fish on the banks of Newfoundland and the other banks and seas of North America, as a *sine qua non* of treaty-making. There followed a long and bitter debate. The "pro-Gallicans," inspired and openly directed by Gerard, the French minister, opposed Gerry's proposition with might and main. New York, Maryland, Virginia, and North Carolina threatened to secede from the confederation if it should be adopted. New Hampshire, Massachusetts, Connecticut, Rhode Island, and Pennsylvania supported Gerry. New Jersey, Delaware, and South Carolina were divided. For a time the continued union of the States and the success of the American cause trembled in the balance. Finally, a compromise was secured. Gerry's proposal was not adopted, but in its place Congress voted to declare an academic expression of opinion that America had a right to the fisheries, and a request that France would guarantee that right to us in the act of peace-making. Even this, with its humiliating confession of dependence upon France, greatly displeased Gerard, who went so far in expressing his resentment as to threaten that France might withdraw from the American alliance and unite herself unreservedly with Spain. This menace scared some of the weaker brethren, the "pro-Gallicans" rallied their forces again, and on July 12, at Gerard's dictation, the former action of Congress was reconsidered, and the whole question of the fisheries was remitted to some subsequent treaty to be made with Great Britain after peace had been established.

Encouraged by this success, the French government through Gerard attempted a still more mischievous stroke. It sought to persuade Congress to forego all demand for recognition of American independence by Great Britain, and to be content with a French guarantee of independence. Thus the United States, instead of realizing the ideal set forth in the Declaration of Independence, to the attainment of which the signers of that instrument had pledged their lives, their fortunes, and their sacred honor, would have been made a dependency of France and would have enjoyed self-government only under an alien guarantee. Astounding as it may seem, this monstrous proposal was received with favor by some members of Congress. The majority of that body insisted, however, that Great Britain must recognize American independence, and there is reason to suppose that this attempt of France to strangle the young republic opened the eyes of many Americans to the danger of foreign influence. Thus disappointed, Gerard made one more attempt at mischief. He asked Congress to renounce the right to navigate the Mississippi, and to leave that matter entirely to the magnanimity of Spain. This Congress would not do. But not wishing to rebuff him too openly, it dodged a decision of the case by sending a minister of its own to Spain to settle the matter by direct negotiation with that country.

Upon such a basis, then, by the end of September, the terms upon which peace was to be sought appeared to be settled, and there remained only the selection of a minister to conduct the negotiations. Gerard tried to dictate the choice of Jay, whom he regarded as a trustworthy member of the "pro-Gallican" party, though by that time Jay was already beginning to get his eyes opened to the real sentiments and aims of France. But the French minister was not able to control the action of Congress in that matter. After several indecisive ballots, John Adams was chosen as peace commissioner, and was instructed to negotiate a treaty with Great Britain on these terms: Great Britain was to treat with the United States as "sovereign, free, and independent," and independence was to be formally confirmed by the treaty; Nova Scotia was to be acquired if possible, but was not to be insisted upon; the fishery rights were to be sought but were not to be insisted upon in the peace treaty though they were to be insisted upon in the commercial treaty which was to be subsequently negotiated. So Adams was commissioned for a task for which he was consciously ill-fitted in most respects, and which he was unable to enter upon for a long time. Then, as a sort of consolation for Gerard, the latter's candidate, Jay, was appointed minister to Spain, and was instructed to offer that country an American guarantee of the Floridas in return for a Spanish guarantee of free navigation of the Mississippi to and into the Gulf. He was also instructed to seek a loan of $5,000,000.

Let us first follow Jay on his unpromising errand. Franklin had been appointed minister to Spain before him, on January 1, 1777, but had never gone thither, his communications with the Spanish government being confined to the sending of a note conveying the resolutions of Congress promising help to Spain in her recovery of Pensacola—which, by the way, Spain never properly acknowledged. Then Arthur Lee succeeded Franklin, and actually went to Spain. By dint of hard work he secured loans of $170,000, and promises of millions more, which were never fulfilled. Failing to get a considerable loan, and seeing no prospect of a treaty, Lee then left Spain in disgust, to take the place of his brother William at Berlin, while William went to Holland. Jay was, therefore, the third American envoy to the Spanish court. He was commissioned on October 16, 1779, and sailed four days later on the same American frigate that had been detailed to take the French minister, Gerard, back to France, on the arrival here of his successor, Luzerne. On the voyage, indeed, as soon as it was begun, Gerard tried to find out what Jay's instructions were. He did not succeed, and a marked coolness arose between the two men. John Adams thought that this was what led Jay to separate himself from the French party and to regard France and Frenchmen with distrust. It may have contributed something to that end, but the more probable fact is that Jay, who was one of the ablest statesmen of his time, was by far too great a man to be blindly led by any foreign influence. He was himself of French ancestry, and was naturally inclined to regard France with favor and affection; but he was above all an American, and above most men of his time imbued with the true spirit of national independence and sovereignty. He arrived at Cadiz on January 22, 1780, and quickly realized that he was in an unpleasant situation. He sent his secretary, Mr. Carmichael, on to Madrid, to ''see how the land lay,'' and did not follow him until spring.

The favor which Gerard had shown him, and his own record of inclination toward the ''Gallican'' side in Congress, should have commended him to Spanish favor, but apparently did not. At any rate, he was not favorably received. Indeed he was not officially received at all, nor recognized. The Spanish government took the ground that it could not or would not recognize him as a minister, nor receive him as such, until a treaty was negotiated between the two countries. But it would make no treaty with America until the United States would renounce the right to navigate the Mississippi, which of course the United States would not do. That is to say, Spain would not recognize Jay as a minister unless he would forsake and repudiate the most vital and imperative part of his instructions. The United States, it may be observed, was probably the first country to claim the right to navigate the territorial waters of another country; for of course the lower Mississippi, with both its shores Spanish territory, was a territorial water of Spain. It is not clear that the right was or is a valid one. On the other hand, Spain was doubtless going too far in trying to make the Gulf of Mexico a *mare clausum*. Yet such was her aim, and that was the chief reason for her bitter opposition to any United States frontage on the Mississippi. Florida Blanca declared, in September, 1780, that Spain was more interested in the monopolization of the Mississippi River than in the regaining of Gibraltar. If so, seeing that she had stipulated with France that her regaining of Gibraltar was a *sine qua non* of peace with Great Britain, we may judge with what determination she resisted the American demands for equal use of the Mississippi and of the Gulf.

Such was the impossible position in which Jay found himself. He was commissioned to make a treaty on certain terms, and he was told that no treaty would be made except on exactly opposite terms. It is possible that at first he would have made a treaty on Spain's terms, for a limited term of years, for at that time the winning of independence seemed far more important than the free navigation of the Mississippi and the Gulf, and Jay, as we have seen, inclined toward the "pro-Gallican" side. But the conduct of the Spanish and French governments themselves soon opened his eyes to their real intentions to sacrifice the interests of the United States to their own selfish ends, and he became resolute in his adherence to the principle which had been laid down by Congress.

He was in fact much more resolute than Congress itself. For the latter body, under the influence of French intrigues, soon reversed itself, in circumstances intolerably unjust to Jay. It was in the spring of 1781. The French ambassador at Madrid had assumed to take Jay under his patronage and direct the diplomatic conduct of the young American, a course of action which did not in the least strengthen Jay's attachment to France. He told Jay that he (Jay) was making a failure of his mission through his insistence upon navigation of the Mississippi and that it was a pity thus needlessly to blight his own diplomatic career in the bud and at the same time to imperil the welfare of the country he was trying to serve. Jay replied that, apart from his own convictions upon the matter, whatever they might be, there were the orders of Congress, which he must obey. At this the French ambassador expressed some incredulity, and declared his belief that Jay had been endowed by Congress with much more discretion and liberty of action than he was willing to admit. This confident expression was based upon something more than mere opinion or guesswork. The Frenchman had already learned, what Jay himself did not learn until some weeks later, that under French influence Congress had changed its attitude and had decided to drop its demand for free navigation of the Mississippi.

In time Jay received his new instructions, weeks after the French ambassador and, probably, the Spanish government, had learned their nature. He was directed no longer to insist upon free navigation of the lower Mississippi, below the thirty-first parallel of latitude. A little later that amazing Congress further directed him to make a treaty with Spain, if possible, without regard to the treaty already made with France. Apparently

Congress thought that it, too, would try its hand at double-dealing and betrayal of allies, fondly imagining that its doings would be kept by Spain secret from France. These instructions Jay, now thoroughly aroused and exasperated, wisely and patriotically declined to obey. Then came an order to make, if he could, a treaty with Spain on the best terms he could, to secure her as our ally in the war. This order he attempted to fulfil. He made proposals to the Spanish government for a treaty of alliance, in which the claim of the United States to free navigation of the lower Mississippi was waived. But he added the stipulation that if the alliance were postponed until after general peace was reëstablished, that waiver would be withdrawn and the demand reasserted.

To this surprisingly conciliatory proposal the Spanish court and government made no reply whatever. Jay waited patiently until the spring of 1782. Then he was about to make a pretty peremptory demand for a reply of some kind, but the French ambassador again intervened and dissuaded him from so doing. The fact is, of course, that Spain was at heart thoroughly hostile to the United States, partly because of old traditions, partly because this was a republic and therefore offensive to monarchical absolutism, partly because the United States had already seized territory which Spain regarded as her own, and partly because Spain feared further aggressions and spoliation if the United States were permitted to become great and powerful and to abut directly upon Spanish territory. Before this, in 1781, there came to Jay's knowledge a mediation proposal of the Russian and Austrian courts. He strongly opposed having anything to do with it, because both Austria and Russia were more friendly to Great Britain than to America, and were not likely to act impartially. He continued to work for his original ideal, of a close defensive alliance of America, France, Spain, and Holland. But Spain was hostile to America, and was intent on regaining Gibraltar; and France, bound by the treaty of Aranjurez, began to regard American independence as a matter entirely inferior in importance to the attainment of Spain's ends.

All these phases of the situation, and all the cross threads of intrigue and self-seeking, soon became quite obvious to Jay's penetrating vision, and he realized that his mission to Spain was hopeless, and that American reliance upon European aid was vain. So when, early in 1782, the French ambassador, Montmorin, urged him not to demand from Spain a reply to his final treaty proposals, Jay acceded to his urgings. But he did more. He plainly told Montmorin that he believed that Great Britain herself would be the first nation to recognize the full independence of America, for it was quite evident that France, with all her professions of friendship and her actual treaty of alliance with us, did not wish "to see us treated as independent by other nations until after a peace, lest we should become less manageable in proportion as our dependence upon her shall diminish." A more exact estimate of the actual situation, and a more accurate forecast of the future, could not have been made. Montmorin and his masters at Versailles must have realized then that at least one American statesman understood the whole devious scheme of their diplomacy, and their dream of Jay as the champion or the tool of the "Gallican" cause must have had a rude awakening.

The end of Jay's mission speedily followed. In May, 1782, the Spanish minister, Florida Blanca, invited Jay to dinner, and for one moment it looked as though recognition of the American envoy by the Spanish government was after all to be given. But the next day the invitation was withdrawn, and Florida Blanca explained that it had been given by mistake. He would, however, he added, be glad to renew it to Jay not as a diplomatic envoy but as "a private gentleman." It seems not improbable that this episode was a premeditated attempt to humiliate Jay. At any rate Jay replied to it with spirit. He declined to receive the proffered invitation and held no more intercourse with the Spanish government. As soon as possible thereafter he left Madrid and went to Paris, to coöperate with Franklin. It may be added, to complete the record of Jay's mission, that, in addition to betraying him to France, Congress drew bills upon Jay —and also upon Laurens, who had been commissioned to The Hague but who had been captured by the British and was actually in the Tower of London—for large amounts, which he was expected to raise through loans! The embarrassment which this extraordinary financiering caused to Jay may easily be imagined. He was unable to secure any such loans in Spain, and the drafts would have been altogether dishonored had not the French government come to the rescue and paid them, with only the slightest help from Spain.

John Adams, as we have seen, was commissioned to negotiate the treaty of peace with Great Britain, at the same time that Jay was sent to Spain. He forthwith proceeded to Paris, where negotiations would be conducted when the opportune time arrived. But on reaching that capital he was quickly made to feel, as Jay was at Madrid, the sinister influence of the self-seeking and not always sincere French government, insinuating itself between him and his own government and striving to shape his actions to its ends. He was not even treated with diplomatic courtesy. Upon his arrival he disclosed to Vergennes the nature of his mission, as fully as his instructions made it permissible for him to do, and of course with entire truthfulness. Vergennes in reply intimated a gross doubt of his truthfulness, and a belief that he was concealing much that he might reveal if he would. He told Adams that when Gerard arrived from America, as he would do soon, he expected to learn from him the whole truth about his (Adams's) commission and instructions! It would be difficult to imagine anything more offensive, and we must reckon it one of the great moral triumphs of the Massachusetts fire-eater's career that he kept his temper and was patient under such provocation. It was bad enough for Vergennes to intimate that he or his agent would be able to penetrate the secret instructions of Congress to its confidential agent and to learn from Congress things which that body had instructed Adams himself not to disclose. It was monstrous for him practically to tell Adams that he would not believe his word until it was confirmed by Gerard. Vergennes was undoubtedly desperately desirous of learning the full extent of Adams's powers and plans, and especially of learning—in order that he might defeat them—his plans for negotiating a commercial treaty with Great Britain as a complement to the treaty of peace. His boast of being able to get the information he wanted from Gerard was, however, justified. When that envoy returned to France he imparted to Vergennes a full account of the proceedings in Congress and of the instructions to Adams, concerning both the treaty of peace and the commercial treaty. Vergennes thereupon told Adams that he had found from Gerard that he (Adams) had told the truth!

Finding that Adams was commissioned to make a commercial treaty, Vergennes did not venture openly to dissuade him from attempting to do that work. But he advised and even urged him strongly to keep that part of his instructions a profound secret, on the ground that it was best to do one thing at a time, and to negotiate the peace treaty before anything whatever was said about the commercial treaty. This advice seemed plausible, but it was grossly insincere. It was Vergennes's device for keeping Adams quiet upon that subject until Congress could be influenced in some way to alter his instructions. To the latter end Vergennes promptly addressed himself. The new French minister to America, Luzerne, diligently set to work upon Congress, and in July, 1781, actually prevailed upon that infatuated body to revoke Adams's powers to make a treaty of commerce! In such fashion was an American foreign envoy on a mission of supreme importance made the plaything of a designing alien power through the folly or corruption of the American Congress.

In existing circumstances there was little or nothing for Adams to do under his commission. The time had not yet come for negotiations with Great Britain. But he could not be idle, and so he undertook to do some diplomatic work with the French government. In this he no doubt acted indiscreetly, infringing upon Franklin's prerogatives. He seems, however, to have been encouraged in that course by Vergennes himself, who then attempted to make trouble between Franklin and Adams. It was probably a deliberate scheme of Vergennes's to arouse dissension and jealousy between the two Americans, and especially to discredit Adams and to defeat in advance the mission on which he had come to Europe. Fortunately the good nature and good sense of Franklin and the transparent honesty of Adams prevented any serious trouble between the two, and the situation was soon wholly relieved by Adams's departure from Paris to The Hague. At that capital he received two new commissions from Congress. One authorized him to give the adherence of the United States to the Armed Neutrality, and to secure the recognition of this country as a member of that league—a course which Russia opposed and prevented. The other made him American minister to the Netherlands and authorized him to negotiate a treaty with that country. In the latter work he was ultimately successful.

Holland more than any other European country sympathized with the American demand for independence. Her friendship was shown in her refusal of mercenaries to Great Britain, and in other ways. Upon the arrival of Adams at The Hague a strong sentiment arose in favor of recognizing him and making the desired treaty. This would probably have been done without delay, had it not been for the malign influence of France. The French minister at The Hague not only refrained from giving Adams the slightest aid, but actually used his influence against him, to prevent his recognition by the Government. Vergennes also exerted himself to the same end. So strong was French influence in Holland at that time that Adams was thus held aloof for a considerable period. For eight months he waited in vain for recognition, but he knew the secret of the delay and was confident of overcoming it at last. On January 9, 1782, he renewed his efforts to secure recognition. On February 28, Friesland, the province most of all devoted to the principles of liberty, declared in favor of receiving him as the envoy of a sovereign power. The other provinces followed the example, and on April 19, the seventh anniversary of the battle of Lexington, the States General, in accordance with the unanimous wish of the provinces, resolved thus to receive him. Thus the Dutch republic was the second power in the world to recognize the independence of the United States. We might say it was the first to do so for our own sake and for love of liberty and through sympathy with us. On October 8, 1782, Adams concluded with the Netherlands a treaty of friendship and commerce—before the treaty of Paris was concluded. This was greatly displeasing to Vergennes, who complained that Adams was "too precipitate." The French minister by this time had also discovered that John Jay could not be used for French purposes to the detriment or sacrifice of the American cause, as had been hoped when Gerard urged his appointment as peace commissioner. He denounced both Adams and Jay as "persons not easily managed" (*caractères peu maniables*). But Adams exulted in his achievements at The Hague, as he was well entitled to do, declaring: "I have planted the American standard at The Hague. There let it wave and fly in triumph. I shall look down upon the flagstaff with pleasure from the other world."

The news of Yorktown, and the surrender of Cornwallis, in October, 1781, convinced even the infatuated Lord North that the end of British dominion in the United States had come. Forthwith an attempt was made by the British government to treat for peace directly and exclusively with America, ignoring France; or at least separately and apart from that country. To this Franklin peremptorily objected. The American alliance with France required this country to negotiate for peace only in conjunction with her, and to that agreement he would hold true. Then North tried to treat with France separately and apart from America, but Vergennes also refused. These refusals of the allies completed North's discomfiture. Had he succeeded in either scheme for separate negotiations, he might partly have rehabilitated himself. But it was not to be. On February 22, 1782, Conway's address to the king, against further continuance of the war, was carried. Less than a month later, on March 20, Lord North's ministry resigned. In the new Cabinet, which was then formed, the friends of America were in the ascendant. Lord Rockingham was prime minister, Charles James Fox was foreign minister, and Lord Shelburne was minister for the colonies. Each of these three had grave faults, but each was an undoubted friend of America. Between Fox and Shelburne there at once arose a rivalry, which much delayed negotiations for peace, though both men were really desirous of expediting them. Shelburne conceived that as the American States had been and still were, from the British point of view, British colonies, it was his province, as colonial minister, to treat with them. Therefore he sent Richard Oswald, a rich Scottish merchant, to Paris to confer with the representatives of the States. Fox, as foreign minister, also sent a peace commissioner to Paris, Thomas Grenville, to negotiate with the French government without reference to America. Oswald was sent on April 12, and Grenville on May 7. The two worked at cross purposes until July. On the first day of that month Lord Rockingham died, and was succeeded as prime minister by Shelburne. Fox at once retired from the foreign ministry, and his agent, Grenville, was recalled from Paris, leaving Oswald to continue all the negotiations alone.

Meantime the French government was busy with devious schemes. Vergennes was not at all pleased with the idea of having John Adams alone negotiate the treaty of peace, and he took steps to change both the personality of the commission and its instructions. It was his boast that, through his agent, Luzerne, the French minister to America, he secured the appointment of R. R. Livingston as the first American secretary for foreign affairs, and through him got Congress to appoint new peace commissioners to serve as Adams's colleagues, and to order them to subject themselves to the advice and direction of the French government. Adams did not object to the appointment of colleagues. On the contrary, he welcomed it. Peace commissioners, he said, should have a talent for making peace, while his own talent lay, according to his own confession, in the direction of making war. So a commission of five members was constituted, Jay, Franklin, Jefferson, and Laurens being added as Adams's colleagues. Laurens, however, was a prisoner in the Tower of London, and Jefferson was detained at home by the illness of his wife, so that the commission actually consisted of Adams, Franklin, and Jay. Next Vergennes proposed that the French government and the American commissioners should negotiate with England separately yet *pari passu.* To this the Americans agreed. Vergennes scornfully rejected, however, a suggestion that France should be satisfied with the granting of independence to the United States, and on that basis should approve the making of peace between America and Great Britain. France had not gone to war with Great Britain solely or chiefly for the sake of the United States. She had another ally, whom she held dearer than America. That was Spain, who never had had anything in common with the United States and never had recognized its independence. The demands of Spain must be granted, and her desires must be gratified, before there could be peace. Thus France might indefinitely prolong the war for objects entirely foreign and indifferent to America, yet America must not make peace until those objects were attained. The interests of the United States might be sacrificed to Spain's ambitions to secure Jamaica, Gibraltar, and what not. In such a dilemma was America placed by the French alliance. She was a mere pawn in the Franco-Spanish game.

Nor was this complication merely theoretical or nominal. It was actual, and it embarrassed the negotiations at every turn. Oswald's commission, as prepared by Shelburne, authorized him to treat with the commissioners of "the said colonies or plantations." To that phrase Jay instantly and strenuously objected. It was beneath the dignity of the United States to be regarded as "colonies," and for the American commissioners to acquiesce in it would be "descending from the ground of independence." He held that American independence should be recognized at the beginning, and that the negotiations should be conducted on that basis, as with the commissioners not of colonies but of independent, sovereign States. Vergennes did not approve this bold stand of Jay's, and strove to dissuade him from it. Independence would not come to America, he argued, until the treaty had been made. Therefore Shelburne was right in thus regarding the States as still mere colonies. But the arguments and persuasions of Vergennes only confirmed Jay in his resolution not to acquiesce in that phrase in Oswald's commission. He believed that Vergennes wished to postpone not merely peace-making but even the recognition of American independence by Great Britain until Spain's demands had been secured, fearing that if America once got its independence recognized by Great Britain, it would refuse to continue the war any longer for Spain's benefit. Doubtless Jay was quite right in this interpretation of Vergennes's attitude. That Vergennes was right in thus planning to make America subservient to Spanish interests, may be doubted. The root of the trouble lay, of course, in the treaty of Aranjurez, by which France was bound to Spain.

This was the situation. America and France had made a treaty between themselves, without reference to Spain, binding them to fight England together, and to make peace with her only on terms satisfactory to both. Later France made the treaty with Spain, without reference to America, to practically the same effect. Doniol, in his voluminous work, "La Participation de la France dans l'Establissement de l'Independance des Etats Unis," has elaborately argued that France could not help making the treaty of Aranjurez. Perhaps not. But that was not our business. We had no lot nor part in it, and were not to be bound by it nor to be made subject to its provisions. France might make the treaty with Spain, but she could not make America a party to it. If it was necessary for her to make it she should have revealed the fact to the American government, and should have released America from her obligations under the French alliance to whatever extent the conditions thereof were affected by the new treaty. But France did not do so. She made the treaty with Spain, and carefully concealed it from America, which was disingenuous; and then she tried to sacrifice American interests to the alien interests of Spain, which was worse.

There is no question that Vergennes's fear that British recognition of American independence would impel America to withdraw from her obligations to stand with France in peace-making was inspired by Spain, or was in fact Spain's fear. So much was practically admitted by Montmorin, the French ambassador to Spain, speaking not only for himself but also for Florida Blanca. Moreover, it is to be recalled that Vergennes had previously declared to Grenville that British recognition of American independence would be no favor to France, since such independence had in fact existed before French intervention in the war. He had also objected to the Austro-Russian scheme of general peace-making, on the ground that it provided for British negotiations with the United States as colonies and not as an independent power. So now he was practically repudiating the ground which he himself had taken not long before. The situation was shrewdly summed up by Jay in September, 1782, when he wrote to Livingston, as he had already said to Franklin, that France was postponing British acknowledgment of American independence until France and Spain had secured their own selfish objects; that both France and Spain would dispute the extension of the United States westward to the Mississippi River; and that Spain would demand for herself a monopoly of the Gulf of Mexico. Vergennes, as is well known, never failed to urge upon England that the United States should be excluded from the Newfoundland fisheries, "lest they should become a nursery for seamen," and he was almost ready to join England in checking the rising power of the United States. When Jay and Aranda, the Spanish minister at Paris, discussed the boundaries of the United States as they should be established by the treaty of peace, Jay earnestly claimed for the United States the whole territory westward to the Mississippi north of the Florida line. Aranda opposed this claim, insisting that the Northwest Territory should be restored to England, or else given to Spain. Vergennes said nothing at this time, but his secretary, Rayneval, expressed the opinion that America was claiming too much, and we can scarcely suppose he would have said that without Vergennes's approval, and without knowing that it coincided with Vergennes's own views.

To return, however, to the question of Oswald's commission. That amiable envoy readily saw the point involved, and personally sought amendment of his commission, so as to meet the just demands of the Americans. The British government at first demurred. Franklin, the most conciliatory of men, would have yielded and let the commission stand. But Jay, who was the giant and the hero of all these negotiations, was inexorable, and Adams cordially supported him. In September, 1782, the French government sent Rayneval, Vergennes's confidential secretary, to England, to urge the British government to hold out firmly against the American demands in the Mississippi Valley and to support the French and Spanish proposals. That is to say, our ally joined forces, or attempted to join forces, with our opponent against us! Jay, learning of this, sent Benjamin Vaughan to England to counteract the influence of Rayneval. In this Vaughan succeeded. He kept the British government from committing itself to the French and Spanish scheme for spoliating the United States. He did more. He raised again the question of Oswald's commission. Shelburne asked him, "Is a new commission necessary?" "It is," replied Vaughan. Forthwith a new one was issued, framed and phrased as Jay desired. That incident marked the turning point in the negotiations. Thereafter Great Britain and the United States worked together, ignoring France and Spain.

The military and naval incidents of 1782, indeed, were well calculated to affect materially the attitude not only of England but also of Spain and France toward the subject of peace-making. Rodney's tremendous victory over the French at Martinique in April, Elliot's heroic defense of Gibraltar in September, and Howe's relief of that fortress in October, quite turned the scale in British eyes. Before those occurrences the British government might have been inclined for prudential reasons to defer to French and Spanish demands in negotiating with America. After them it felt able to regard those powers as negligible quantities and to deal with America without regard for them. Spain, in the same occurrences, had lost all hope of regaining Gibraltar and Jamaica, and even her Bourbon pride was convinced of the futility of longer holding out for those objects as the *sine qua non* of peace. Nor was she without some consolation. West Florida and Minorca were to be restored to her, and the latter was only a little less important in her eyes than Gibraltar itself. As for France she had no such gains, and she had met with heavy losses. But she was not without cause for seeking peace. The disaster of Martinique had hopelessly crippled her power at sea, and had shown her the folly of further fighting. Moreover, she had really gained her prime object. In the just words of Botta: ''The Court of Versailles had attained the object it had most at heart, that is, the separation of the Colonies from the Mother Country.'' With that France might well be content. The one other belligerent, Holland, was ready to follow France in making peace with England on almost any terms.

There were therefore ample reasons why all these powers should unite harmoniously in the work of peace-making. But they did not. France and Spain persisted in holding aloof and in trying to make mischief, France especially striving to the last to fetter and injure her nominal ally to the utmost of her ability. Thus on November 10 Adams told Vergennes that the United States and England were unable to agree upon two points, to wit, the indemnity to the American Tories and the Penobscot boundary. Vergennes's reply was, again, to take the British side against his American allies. In this we shall probably do him no injustice if we accept Adams's belief, that his purpose was to encourage the maintenance of ''a French party and an English party'' in America, and thus weaken and distract the young republic through division of its counsels.

We may indeed regard as substantially accurate and not ungrateful or unjust the summary of French policy toward America in the Revolution and in the subsequent peace-making which Adams gave to Jonathan Jackson in a letter written in the fall of 1782. "In substance," he said, "it has been this: In assistance afforded us in naval force and in money to keep us from succumbing, and nothing more; to prevent us from ridding ourselves wholly from our enemies; to prevent us from growing powerful or rich; to prevent us from obtaining acknowledgments of our independence by other foreign powers, and to prevent us from obtaining consideration in Europe, or any advantage in the peace but what is expressly stipulated in the treaty; to deprive us of the grand fishery, the Mississippi River, the western lands, and to saddle us with the Tories." If we add to the "assistance afforded" the service rendered by the French army at Yorktown, which was welcome though not essential, we shall have in Adams's terse phrases a complete presentation of the French attitude toward America.

Adams appreciated the situation. So did Jay. In fact, Jay was probably the first of all to do so and to lay bare the devious ways of French diplomacy. At any rate, he took the lead in cutting the Gordian knot. Under the orders of Congress, the American commissioners could make no treaty with England save with French consent. But France would not consent to any treaty the terms of which were satisfactory to America. If then the orders were obeyed, either the welfare of America must be sacrificed in the making of an unsatisfactory and injurious treaty, or the work of the commissioners must fail. Confronted with this dilemma, the impetuous and intrepid Jay determined upon a heroic course. He would defy and violate the commands of the Congress which had commissioned him, by making a treaty with England without regard to the advice, consent, or policy of France. He proposed this to Franklin, with whom he was then in Paris, Adams being at The Hague. Franklin disapproved it. He had lived long in France and had been the recipient of the most flattering attentions, from both the court and people, and he naturally cherished the most amiable sentiments toward France and also a great degree of confidence in and gratitude toward her. His temperament was naturally conciliatory and pacific, and he was something of a stickler for strict obedience to orders. The action proposed by Jay would, he thought, be offensive and painful to France, and it would be a breach of instructions. "Would you break your instructions?" he asked. "Yes!" replied Jay, "as I break this pipe!" And taking from his lips the long clay "churchwarden" which he had been smoking, he dashed it into fragments in the fireplace. Franklin, however, still hesitated and demurred and Jay was thus compelled to wait. But he did not wait long. Adams soon came back from The Hague, and Jay at once laid the plan before him. Adams was delighted with it, and instantly approved it, with enthusiasm. "It is glory," he afterward declared, "to have broken such infamous orders!" If not infamous, they were certainly ill-advised and would, if slavishly followed, have proved disastrous. Before the united persuasions of Jay and Adams, Franklin presently yielded, and the policy of Jay was carried out. Negotiations were conducted directly between America and England, and they made rapid progress toward a satisfactory conclusion.

Vergennes and his colleagues remained in ignorance of what was going on. This was partly because of the secrecy of the Anglo-American negotiations, but more because of Vergennes's incredulous contempt for the Americans. With his army of spies and keyhole listeners he could have ascertained what was going on if he had tried to do so. But he did not try because he did not suppose that the Americans were capable of doing anything of importance. He wrote to Luzerne in October: "It behooves us to leave them to their illusions, to do everything we can to make them fancy that we share them, and unostentatiously to defeat any attempts to which these illusions may carry them, if our coöperation is required. The Americans," he added, "have all the presumption of ignorance, but there is reason to expect that experience will ere long enlighten them." Such were the base treachery and deceit of the statesman who professed to be our friend, and who afterward expressed such astonishment and grief at our lack of confidence in him and our ingratitude and wickedness in making a treaty without consulting him!

The Americans pursued their plan, with much success. It was at the end of October that Jay's bold proposal was adopted.

On November 30 a provisional treaty was concluded and signed by the American and British commissioners. It was not to be made permanent and effective, it is true, until a treaty should be made between England and France, and until it should receive the approval of France. But it was admirably designed to "force the hand" of the French government, and to compel it to approve the Anglo-American treaty and to conclude for itself a treaty with Great Britain. Such in fact were its results. When Vergennes learned what had been done, the fact was accomplished and the provisional treaty was ready to be laid before him for the approval which in the circumstances of the case he could not withhold. He found himself completely outwitted by the very men whom he had so despised and had sought to delude and make mere puppets in his hands. More, he found himself beaten and humiliated by the very scheme which he himself had devised for his own sinister ends. He was not willing to have Adams alone conduct the peace negotiations, but, through most unwarrantable meddling in American affairs, compelled the appointment of Jay and Franklin to be his colleagues. And now Jay had administered to him the most stinging rebuke and most humiliating defeat in all his career. This defeat he took with bad grace. He wrote a bitter protest to Franklin, in a tone of injured innocence that contrasts damningly with his own previous utterances to Luzerne; to which Franklin replied with a masterpiece of tactful and conciliatory diplomacy. Vergennes also wrote to Luzerne a letter, which he afterward countermanded, though too late, urging him to protest to Congress against the irregular conduct of the American commissioners. Robert R. Livingston, then the foreign secretary of Congress, actually sent to the commissioners a letter of rebuke, and wished them to seek to propitiate Vergennes by humbly apologizing to him and by revealing to him a certain secret clause in the treaty which they had pledged themselves to Great Britain not to divulge! After that we may almost believe Vergennes's boast, that it was through his influence, or at his nomination, through Luzerne, that Livingston had been elected to his place; and that Livingston was merely his subservient lackey.

Nevertheless, Vergennes was more frightened than angered at the victory of the Americans over his double dealing. He was chagrined. But he was more alarmed, lest America and Great Britain should now join hands against France. For a time it seemed to him as though, in separating the colonies from the mother country, instead of hopelessly weakening his enemy he had raised up two foes against France instead of only one. With that menace before him he deemed it discreet to swallow his wounded pride. He made haste to accept the explanation made to him by Franklin, and further to bid for the continued favor of America he offered this country another loan.

The treaty of November 30, 1782, was merely a provisional one, for making peace but not dealing with the subject of commerce. The death of Shelburne and the consequent change of ministry in England deferred the completion of the work for nearly a year. The same commissioners for America remained in place, but Oswald, for Great Britain, was replaced by David Hartley, "the good Hartley," Franklin's friend, who for many years had been an earnest advocate of the American cause in the British Parliament. The definitive treaty was finally made on September 3, 1783. Under that instrument the British government recognized in the fullest manner the independence of the United States, and conceded to this country the whole Northwest and Southwest territories, extending westward to the Mississippi River and southward to the Florida line. The provisional treaty had contained a secret clause (the one which Livingston had asked the commissioners to reveal to Vergennes) concerning the southern boundary, to wit: That if Great Britain should retain possession of Florida, the boundary between Florida and the United States should be drawn eastward from the mouth of the Yazoo River, in latitude 32 degrees 30 minutes, but if Florida was surrendered to Spain, then it should be drawn from the mouth of the Red River, in latitude 31 degrees. Between these two lines, therefore, was a strip of territory nearly a hundred miles wide from north to south, and nearly five hundred from east to west, comprising the southern parts of the States of Mississippi and Alabama, which the United States and England agreed should be a part of Florida if Florida belong to England, but which should not belong to Florida, but come to the United States, if Florida were assigned to Spain! That territory formed the "Yazoo lands," concerning which we afterward had an acrimonious dispute with Spain. It must be confessed that the equity and morals of that secret compact are not evident. The territory in question either did or did not belong with Florida. If it did, then it belonged with Florida even if the latter were assigned to Spain. If it did not, then it did not belong with Florida even if the latter were retained by England. The double dealing of Spain, however, and her ill-concealed enmity toward the United States, were ample explanations of this trick of the negotiators. They were also, from the point of view of ordinary human nature, ample provocation to it. The Americans knew that France and Spain were playing them false and were secretly trying to betray and sacrifice America, and it was not unnatural that in return they should thus retaliate against those whom they knew to be their enemies. And bad as their device was, it was far less reprehensible than the machinations of France and Spain against this country. America was under no obligations whatever to Spain, but was quite free to despoil her in any way she could. France, on the other hand, was bound to America in the strongest and most sacred fashion; yet here she was deliberately seeking to despoil this country, and conniving with its foes for its ruin. Nevertheless, with all this provocation, we must regard that secret provision in the treaty about the Yazoo lands as unjustifiable, and as a regrettable blemish upon our early diplomacy.

The treaty further confirmed the United States in the free enjoyment of the fisheries on the Newfoundland Banks and in a limited use of the shores of Newfoundland, Nova Scotia, and other British territories. Congress was to recommend to the separate States a generous treatment of the Tories, or British Loyalists, a recommendation which had no mandatory force and which was not in fact generally followed. The navigation of the Mississippi River, from source to mouth, was to be "forever free and open" to Englishmen as well as Americans—a provision which was from the beginning a dead letter, seeing that then and for years afterward the lower part of that river was a territorial water of Spain, and as such was subject to her control and open to navigation by others only through her consent, which was by no means freely granted. It was, indeed, foolish to put that provision into the treaty, for two major reasons. One was, as we have said, that the lower part of the river belonged wholly to Spain, and therefore Great Britain and the United States were practically trying, in a treaty between themselves, to regulate and control the property of a third power which was not at all a party to the treaty. The other reason was, that Great Britain had no claim whatever to the navigation of the Mississippi, any more than to that of the Hudson or the Delaware, seeing that at no point did it touch her territories. If its headwaters had been in Canada, she might have sought the right to use it as an outlet to the sea. But they were not. From source to mouth the river touched no lands but those of the United States and of Spain; unless, of course, West Florida and the Yazoo lands were definitely assigned to Great Britain. In that case Great Britain would have controlled one shore of the lower reaches of the river, and a stipulation for American navigation of that part of the river would have been legitimate and useful.

When the definite treaty of peace was signed at Paris on September 3, 1783, by David Hartley on behalf of Great Britain and by John Adams, Benjamin Franklin, and John Jay on behalf of the United States, it was suggested that the act be done in the presence of the diplomatic representatives of Austria and Russia, as a complimentary recognition of the offers of those powers to mediate and of their efforts to end the war. To this the British government objected, on the ground that the transactions concerned only Great Britain and the United States, and that no other power had any interest in them. This was probably not so much because of opposition to the general principle of friendly mediation as to a feeling that England and America, even in their quarrel, were much more closely related to each other than to any other nations, and that therefore they should settle their family differences between themselves, without external aid. In that view of the case the British refusal may be regarded as having set an interesting precedent for the solidarity of the Anglo-Saxon nations, which has been followed on some subsequent occasions.

The efforts of Austria and Russia for mediation in 1781 require a word of explanation. In 1779 the great empress, Maria Theresa, who was a sincere lover of peace, wrote with her own hand to Charles III of Spain, to dissuade him, if possible, from war with England. In that she was not successful, but a little later in the same year she, or her ministers, made an offer of mediation between England and France, which likewise failed. At that time not a word was said concerning America, and Austria practically ignored the very existence of this country. William Lee had, it is true, been commissioned as American minister to Austria, but, because of Austria's unwillingness to offend Great Britain by receiving him, he was never recognized in that capacity and therefore accomplished nothing. In 1781, when Joseph II, son of Maria Theresa, was on the Austrian throne, his minister, Prince Kaunitz, prepared for an international peace congress at Vienna, under the joint patronage of Austria and Russia, and in doing so accepted the advice of the French foreign minister, Vergennes, that the United States should be invited to participate in it and to conduct at it negotiations for peace with Great Britain at the same time that the European powers were seeking peace among themselves. The United States, however, would not accept the invitation, and Great Britain would have nothing to do with such a scheme. The refusal of the United States was voiced by John Adams, who would not enter the congress unless the other powers represented there would first recognize the independence of the United States, which neither Austria nor Russia was willing to do. Great Britain, on the other hand, refused to enter the congress unless France would first withdraw from her alliance with the United States. Prince Kaunitz, for the Austrian government, thereupon laid upon Great Britain the blame for the failure of the congress, and held that the British government was in the wrong in its treatment of the American colonies, and that it ought to make concessions to them so as to retain their loyalty instead of driving them to rebel. How little he cared for America, however, or indeed for the cause of peace, was clearly shown in his comments upon the war. ''As for us,'' he said, ''there is more to gain than to lose by the continuation of the war, which becomes useful to us by the mutual exhaustion of those who carry it on.'' Never was there a more cynical exhibition of the spirit of Iago in international affairs:

> " . . . Now, whether he kill Cassio,
> Or Cassio him, or each do kill the other,
> Every way makes my gain."

The fact is that Austria was at that time one of the last States from which real sympathy with America could reasonably have been expected. Joseph II was a monarch of liberal theories but despotic practices; autocratic, ambitious, and insincere. He tried to pose as the friend of both England and France, but was really the friend of neither. Vergennes described Austria under his rule as in name an ally but in fact a rival of France. On the whole, Austrian influence was detrimental to the American cause. The unconcealed enmity of Russia has already been described. Beyond doubt it was fitting and it was well that Great Britain and America refused to enter a congress with those powers in 1781, and that they ignored them in the making of the peace treaty of 1783. It may be added that Vergennes told Franklin that while the offer of mediation, in March, 1781, was not unwelcome to the French government, yet it could not be accepted by it, since the concurrence of Spain would be necessary and it could probably not be secured. But he advised Franklin to urge Congress to accept the offer.

In 1782, John Adams said: "It is obvious that all the powers of Europe will be continuously manœuvering with us to work us into their real or imaginary balances of power!" But, for reasons which we shall not find it difficult to discover and which we shall have to regard as convincing, they did not generally seek any relations with us. Immediately after the making of the definitive treaty of peace with Great Britain in 1783, several European nations and one African State did make overtures to Franklin for treaties with the United States, and with three of them such conventions were concluded. The negotiations with Denmark, Austria, Portugal, and Hamburg were fruitless, but those with Sweden, Prussia, and Morocco resulted in the making of treaties. Those with Sweden and Prussia were treaties of amity and commerce, and that with Morocco was one of peace and friendship. The signing of the treaty with Prussia was Franklin's last diplomatic act abroad, and it was one in which he must have taken particular pleasure. For that treaty provided for the abolition of privateering, and for the holding of private property inviolable at sea, the same as on land. Those two principles were dear to Franklin's heart. They were a practical extension of Frederick the Great's famous principle of "free ships, free goods." They were at that time far in advance of the world; and indeed even now they are not fully accepted and adopted in international law. But it is pleasant to remember that at that early date, in one of the earliest treaties made by the young republic, those just and beneficent principles were promulgated to a reluctant and unsympathetic world. It is to be remembered, by the way, in passing, as somewhat strange, that despite the profusion of talk in France and Holland about "free ships and free goods," no mention of that principle was made in the first treaties made by those countries with the United States.

During the Revolution, then, and during the post-revolutionary period of the Confederation, down to the adoption of the Constitution of the United States in 1789, only a dozen formal relationships were entered into, with only half that number of foreign powers. To recapitulate: With France we made a treaty of amity and commerce, and a treaty of alliance against Great Britain, in February, 1778; two contracts concerning war loans, in July, 1782, and February, 1783; and a consular convention, in November, 1788. With Great Britain we made a preliminary treaty of peace in November, 1782, and a final treaty of peace and amity in September, 1783. With Morocco, we made a treaty of peace and friendship in January, 1787. With the Netherlands we made a treaty of peace and commerce in September, 1785. And with Sweden we made a treaty of amity and commerce in April, 1783.

Such were the international relationships of the United States in the revolutionary era; though the international influence of this nation was much more important than its technical diplomacy. For the Revolution did far more than merely to establish the independence of the United States. It brought about the end of personal government in Great Britain. It effected for a time the commercial emancipation of Ireland. France and Spain purposely connived at prolonging the war, so as to make it as costly, as exhausting and therefore as ruinous as possible to both Great Britain and the United States; but before it ended, even because of that prolongation of it, Great Britain wrested from them the command of the sea and a large part of their colonial empires, while the United States emerged from the struggle in full possession of the spoils of war of which they had endeavored to deprive her. The net result was that friendship between America and Great Britain was restored in a larger degree than it had known for many years, and American friendship with Holland was confirmed, through the operations of natural affinity. The artificial alliance with France was not lasting. Spain remained hostile. The rest of the world was expectant but unsympathetic.

VI

CONFEDERATION AND CONSTITUTION

WASHINGTON, at the close of the Revolution, and just before his retirement from the command of the army, bestowed upon the Thirteen States a gift of inestimable value, which they then quite failed to appreciate and were slow to utilize. That was the advice which he gave in his circular letter to the chief magistrates of the various States and which he desired to have considered as his legacy to the people whose independence he had won. Of the four cardinal points of that remarkable document, only one, the first, is pertinent to the present subject. That was, that there must be an indissoluble union of all the States, under a single national government, and that this central government must have plenary powers to make its authority effective. In this he spoke from fulness of observation and of sometimes bitter experience. The constantly increasing evils of the second Continental Congress, which at times threatened to frustrate the great design of American union and liberty, were due to the lack of such a system. Especially were the weaknesses of our foreign relations attributable to that cause, and especially was a strong central government necessary to our assumption and maintenance of a worthy, responsible, and authoritative place among the sovereign nations of the globe.

This was recognized clearly by Washington, and by others, but unfortunately not by the American people generally, nor even by all of their influential leaders. It was also recognized abroad, where there was little confidence in the perpetuity of the new order of things. Some, with George III of England, expected the Thirteen States to begin quarreling and fighting among themselves. Others, with Frederick the Great of Prussia, believed that the territory of the Thirteen States was too large to form a single and enduring republic. They pointed out that the Roman republic was transformed into an empire through too great expansion of its area. The only successful republics were small in area, like Holland, Venice, and Switzerland. Therefore they expected either that the Thirteen States would remain separate or at least form several groups, or that the whole would presently become a monarchy.

Practically no response was made to the sage advice of Washington, at least for several years. Meantime the States kept on under their Articles of Confederation, which had been adopted on November 15, 1777. These, of course, utterly failed to realize the conception of an efficient central government, or of a nation in the true sense of the word. There was no central or general authority, save the Congress. So far as foreign relations were concerned, they were to be conducted by the Congress, which was to have the sole power of making war or peace, of sending and receiving ambassadors, and of making treaties and alliances. But the individual States were left free, in defiance of all treaties, to establish all their own separate tariff systems. Thus, if the Congress made a treaty of commerce with a foreign nation, providing for free trade between it and America, any State could at will annul that treaty by prescribing a tariff or even by prohibiting all commerce with the nation in question. Moreover, each State had its own code of laws dealing with religious liberty, personal and property rights, and many other matters directly affecting the status of citizens or subjects of other lands, and in this diversity there was danger of immeasurable embarrassment and trouble.

It is not surprising, then, that one of the earliest diplomatic controversies after the Revolution had to do with religious affairs. This was, indeed, in the interval between the preliminary and the ultimate treaty of peace. In July, 1783, the apostolic nuncio in Paris requested Franklin to forward to Congress a note explaining the necessity for a change in the office of apostolic vicar for the United States and asking Congress to ratify the new appointment. Franklin, of course, complied, and the matter was laid before Congress, which discussed it at some length, and, for a wonder, disposed of it in the wisest possible manner. Obviously it was a matter of much importance, since its decision would set a precedent for all time for the relations of church and state in this country. In more than one of the

States there was practically a state church, and some of the members of Congress favored taking the desired action upon the appointment of the apostolic vicar. Had that been done, the young republic would have been committed to the policy of a state religion, or at least of an organic relationship between church and state; and would have entailed upon itself the endless vexation and grave troubles which such a connection invariably causes. Happily, wiser counsels prevailed, and Franklin was directed to reply to the nuncio that "the subject of his application being purely spiritual, it is without the jurisdiction and power of Congress, who have no authority to permit or refuse it." The importance and value of this action, to all the subsequent history of the nation, are scarcely to be overestimated. It was the sure precursor of the constitutional prohibition of any state church or of any governmental meddling with religious affairs, and it was a priceless precaution against our being drawn into complications with alien powers in which—as at that time was all but universally the case—church and state were united to the detriment of both.

Another diplomatic incident of this same period is worthy of passing notice, more as a curiosity than for any importance to our foreign relations. At the end of March, 1783, the burgomasters and Senate of the free city of Hamburg, Germany, addressed to Congress a letter which ran in part as follows:

"Right Noble, High, Mighty, Most Honorable Lords: Since by the preliminary articles of peace lately between the high belligerent powers concluded, the illustrious United States of North America have been acknowledged free, sovereign, and independent, and now, since European powers are courting in rivalry the friendship of your High Mightinesses,

"We, impressed with the most lively sensations on the illustrious event, the wonder of this and the most remote future ages, and desirous fully to testify the part which we take therein, do hereby offer your High Mightinesses our service and attachment to the cause.

"And in the most sincere disposition of the heart, we take the honor to wish, so far as from Omnipotent Providence do we pray, that the most illustrious Republic of the United States of America may, during the remotest centuries, enjoy all imaginable advantages to be derived from that sovereignty which they gained by prudence and courage. That by the wisdom and active patriotism of your illustrious Congress it may forever flourish and increase, and that the high mighty regents of these free United States may with ease and in abundance enjoy all manner of temporal happiness, and at the same time we most obsequiously recommend our city to a perpetual friendly intelligence, and her trade and navigation in matters reciprocally advantageous, to your favor and countenance.

''In order to show that such mutual commerce with the merchant houses of this place may undoubtedly be of common benefit, your High Mightinesses will be pleased to give us leave to mark out some advantages of this trading city.''

This extraordinary missive then set forth the advantages which America might expect to derive from trade with Hamburg, and enclosed a long catalogue of goods which might be purchased there, some of which were described as ''imitating the French, but one third cheaper,'' or ''nearly like the English, but twenty-nine per cent. cheaper.'' This letter was conveyed to Congress by the hand of a prominent citizen of Hamburg, deputed for the purpose; but it had little or no effect upon the course of American trade.

In the spring of 1784 Congress commissioned John Adams, Benjamin Franklin, and Thomas Jefferson to negotiate treaties of commerce with any nations which should desire or be willing to enter into such conventions. Obviously, it was preëminently desirable for this country that it should establish such relations as widely as possible. But not a single such treaty was made, if we except one with the semi-piratical power of Morocco.

The most important purely diplomatic negotiations after the making of peace but still under the Confederation were those with Spain. That country had during the war refused to aid this country or to recognize its independence, and in the time of peace-making it exerted all its influence to our disadvantage. It was painfully divided between a desire to see England beaten and humiliated and a dread of seeing the Thirteen States succeed and become a strong new nation, since the latter achievement would certainly have an unfavorable influence upon Spain's remaining interests in the Western Hemisphere. When at last, in spite of Spanish intrigues and marplotry, the treaty of peace was made and published, Spain found in it much cause for apprehension and for offense. Two features were particularly obnoxious. One was the disposition of the Yazoo lands, to which reference has already been made. Spain claimed them as her own, and was not inclined to acquiesce in the treaty's disposition of them as belonging either to England or to the United States. The other was the navigation of the Mississippi River, of which in its lower reaches she claimed sole possession. France, it is true, had accepted with only formal demur these results of Jay's astute and audacious diplomacy; but Spain had no mind to do so, at least without a struggle.

Accordingly in the summer of 1784, when not only the public part of the peace treaty but also its secret part about the Yazoo lands had become known, the Spanish government sent to Congress a formal notification that Spain would not recognize the validity of that instrument, and that if American vessels sought to navigate that part of the Mississippi of which Spain still possessed both banks, they would be seized as trespassers and confiscated. Nor was this an idle or a merely formal threat. It was promptly put into effect, and an organized, vigorous, and versatile campaign was begun by Spain against American interests in the Mississippi Valley. She entered into diplomatic negotiations. She strengthened her military forces along the river. She sent secret agents among the Indian tribes, to incite them to hostility against settlers from the States. Above all, she also sent subtle emissaries among the settlers on our western frontier, to plant seeds of disaffection, discontent, and secession among them, and to induce them, if possible, either to withdraw from the United States and to set up an independent State of their own, or to annex themselves to the Spanish domain. Nor was this last propaganda difficult. Kentucky was rapidly filling up with colonists, and free navigation of the Mississippi was absolutey essential to their prosperity. In 1785 they numbered more than 20,000 souls, and were increasing at a rapid rate.

Early in the summer of 1785 the first Spanish minister came to this country. This was Don Diego de Gardoqui, and he bore a commission authorizing him to negotiate with the United States concerning all existing boundary disputes. Congress received him, and turned him over to Jay, whom it had made its secretary for foreign affairs. Jay was probably the best-fitted man in America for that place, but the feebleness and indecision of Congress was a heavy handicap to even a man of his genius. In consequence, the advantage in the controversy more than once rested with the Spanish envoy. Jay was directed by Congress to insist upon the provisions of the peace treaty concerning the Yazoo lands, and also upon the free navigation of the whole of the Mississippi. Gardoqui was equally insistent in denying both. For months the two disputed without result. Gardoqui purposely protracted the discussions, hoping thus to encourage the development of discontent and sedition in Kentucky. Early in 1786 Jay reported to Congress that he was still negotiating with Gardoqui, but was making little progress, and that our right to navigate the Mississippi would have to be established "by arms, or by treaty." Late in the summer of that year he despaired of effecting a settlement, and asked Congress to appoint a special committee to advise, instruct, and aid him. Spain, he reported, was willing to make a favorable commercial treaty with us, but was quite inflexible in refusing us the right to navigate the Mississippi. What, he asked, could be done? We were in no condition for war with Spain, and abandonment of our rights as stipulated in the peace treaty with Great Britain was not to be considered. The only practicable course, in his view, was to make a treaty for a limited period, twenty-five or thirty years, under which we should have important commercial advantages, but under which, also, in return for those advantages, we should for the time being hold in abeyance our right to navigate the river. This arrangement he frankly regarded as a temporary makeshift, forced upon us by our weak and demoralized condition, and especially by our lack of that efficient Federal Government which Washington had recommended. In time, he hoped, we should "become more really and truly a nation," and then we could assert and maintain our rights.

It was a lamentable thing to have a statesman of Jay's genius forced into so humiliating an attitude. It was worse still to have Congress act as it did over his report and proposal. The States were divided. New England cared much for a general treaty of commerce, but little or nothing about the Mississippi, and therefore the members from those States favored Jay's counsel of despair. They voted solidly to instruct him to make a commercial treaty and let the Mississippi go. The Southern States, on the other hand, were equally unanimous and resolute for insisting upon the immediate free use of the river, and thus for holding Jay to his original instructions. The vote was by States, each State being a unit, according to the Articles of Confederation. Twelve States were represented when the vote was taken, and of these seven approved Jay's proposal. But that was not enough. Under the Articles of Confederation nine States were necessary for the making of a treaty. It would be fruitless, then, for Jay to negotiate a treaty on the authority of only seven States, when there was no prospect of getting nine to ratify it. Passions ran high in Congress over the matter. Patrick Henry declared that he would ''rather part with the Confederation than relinquish the navigation of the Mississippi.'' Madison, usually calm and philosophic, was roused to something like anger. Washington counseled patience and moderation, but his voice was lost in the tumult.

Nor was that all. Treason began to arise in the Southwest. A prominent citizen of Kentucky was one James Wilkinson, who had been an officer in the revolutionary army and who subsequently was for a time the commanding officer of the whole American army, but who was certainly one of the most thorough-paced scoundrels in American history. If he is not commonly bracketed with Arnold and Burr, of the latter of whom he was indeed a confederate, it is not because such association would do him injustice. Trickster and thief, he also became a traitor. For the sake of Spanish gold he secretly took oath of allegiance to the King of Spain, and plotted to separate Kentucky from the Confederation and annex it to the Spanish Empire. Happily the majority of Kentuckians were too sane and honest to be corrupted by him. But unhappily they were so disgusted with the action of Congress in even considering relinquishment of the Mississippi that they were on that account prejudiced against the idea of increasing the authority of the central government. That is to say, because of their undoubted grievance they illogically opposed the only permanent cure for it and for similar grievances. The southern idea of state rights as opposed to federal sovereignty had in a large degree its origin in this dispute over the Mississippi.

So the dispute dragged on, wearily and unprofitably. In the spring of 1787 Jay reported to Congress that the negotiations were "dilatory, unpleasant, and unpromising," and he was becoming convinced that nothing would come of them. The only thing to do, in his opinion, was to hold in abeyance for a time the right to navigate the lower part of the river, until conditions changed in such a way as to enable us to assert and maintain that right. Of course, with the rapid growth of the West in population and commerce, approach was being made toward such conditions. The outcome of the negotiations was, in fact, nothing. They ended where they began.

Meantime in the Northwest Territory, between the Ohio River and the Great Lakes, England was practically ignoring the treaty of peace. Under that treaty she relinquished that territory to the United States. But, in fact, she continued to hold the frontier forts, all the way from Lake Champlain to Lake Superior, and thus exercised over the Indians an influence enormously profitable to British trade, while settlement of those regions by pioneers from the States was greatly discouraged and impeded. To seek redress of this grievance and fulfilment of the treaty stipulations, as well as for ordinary diplomatic purposes, the first American minister to England was appointed. This was in 1785. The minister was John Adams, a singularly unfortunate choice. Able and patriotic as he was, he had little capacity for diplomatic negotiations; he was impetuous, irascible, impatient, pugnacious; and he was strongly prejudiced against England. However, he was a past-master in legal knowledge and acumen, and he could be as resolute as the most stubborn opponent.

His mission began, indeed, with promise. He was presented to the king in June, 1785, and was received as courteously as though he had been the ambassador of an ally instead of a power which had lately rebelled against the king. His own words in addressing the king were discreet and tactful. He expressed hope that he might be instrumental in restoring complete esteem, confidence, and affection between the two countries; or, he added, "the old good nature and the old good humor between people who, though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood.'' The king was deeply affected. He protested that in the unpleasant years of the past he had been animated by what he sincerely regarded as his duty, and he assured Adams that he would eagerly meet the friendly advances of America. ''The moment I see such sentiments and language as yours prevail,'' he said, ''and a disposition to give this country the preference, that moment I shall say, let the circumstances of language, religion, and blood have their natural and full effect.''

When, however, Adams began the practical negotiations for which he had been commissioned, the scene changed radically and not for the better. His aims were threefold. One was to persuade the British government to withdraw its forces from the frontier forts, in accordance with the treaty. The second was, to secure indemnity for Great Britain's exportation of Negro slaves from America after the making of the treaty and in violation of its provisions. The third was, to make advantageous commercial relations between the two countries. To all three, the British ministry was irresponsive. Moreover, it was dilatory and procrastinating. It was nearly five months after his arrival in London before he was able to get any answer whatever to his representations, and then it was most unsatisfactory. To the first and second points the ministry gave an unequivocal refusal. Great Britain would not relinquish the forts nor pay the indemnity until the debts due to Englishmen from Americans were paid. Adams protested that the treaty contained no such stipulation. That was quite true. But the treaty did provide that creditors of one country should not be legally impeded in the recovery of their debts in the other country, and it was claimed, with only too much truth, that in America legal obstacles were put in the way of British creditors. As for commercial relations, England ignored them because she did not believe that any treaty stipulations would be to her profit. The enforcement of navigation laws would be profitable to her merchants, and she was certain to secure the major part of America's foreign trade even without a treaty. The result was that Adams's mission utterly failed. His personal relations in England became less and less pleasant, until at last they were no longer tolerable. He resigned his place in 1788 and came home in disgust, without making a treaty, and without getting a single one of the objects for which he had gone.

The secret of the whole trouble lay, of course, in the weakness of our government, under the Confederation; in the lack of that strong and efficient central authority which Washington had recommended. Congress had stipulated that no impediments should be placed in the way of collecting lawful debts. At once individual States created such impediments to a scandalous degree, in flagrant violation of the treaty, and Congress was quite unable to compel them to respect and to fulfil the treaty. What wonder, then, that the English government insisted that it was under no obligation to fulfil its obligations under the treaty until America fulfilled hers? Again, the States treated the British loyalists in a most outrageous manner, in open violation of the treaty. In later years, even down to our own times, it was often remarked that a considerable part of Canada, particularly inhabitants of British rather than of French origin, cherished a peculiar and implacable animosity against the United States. The reason was and is obvious. Such feelings were merely natural and largely justifiable resentment against the injustice and persecution which the United States inflicted upon British loyalists. These loyalists sought refuge in Canada, and there nursed for generations their wrath against their oppressors and despoilers. In this matter, too, Congress was powerless against the individual States. As a result of Jay's statement concerning American violations of the treaty, Madison, in a letter to Jefferson, urged that "the treaty should be put in force as a law, and the exposition of it left, like that of other laws, to the ordinary tribunals." Resolutions to that effect were passed by Congress, and were transmitted to all the States, accompanied by a powerful letter from Jay, urging the repeal of all state laws which conflicted with the treaty. But the States had capacious waste-paper baskets, and these documents were promptly consigned to them. Congress had no powers which the States felt themselves required to obey or to respect.

America, moreover, was for this same cause, the lack of a strong central government, quite unable to raise a revenue adequate to its needs. It had no army worthy of the name. It could not build a navy. It could not exclude from its ports the shipping of any nation that cared to send commerce hither. In brief, it could not perform the essential international functions of a sovereign State. Why should other nations regard it seriously? Why should any nation make a treaty with a government which was confessedly and notoriously unable to fulfil its own treaty obligations? That was the miserable plight of America at that time, and that was the light in which Great Britain and other European powers regarded it. British statesmen with pardonable scorn asked whether treaties were to be made by Congress or by the individual States, and declined to accredit any minister to a country which had no really responsible authority to receive him. They not unnaturally refused, also, to take any steps toward fulfilling their obligations to a country which would not or could not fulfil its own. Jay himself testified, with truth, that there was not a day on which the treaty of peace was not violated by some of the States. "I suspect," he added, "that posterity will read the history of our last four years with much regret."

Our relations during this humiliating period with certain other powers must also be noticed. These were the Mohammedan States bordering on the Mediterranean Sea, to wit, Turkey, Tripoli, Tunis, Algiers, and Morocco. The latter four were known as the Barbary States, and were notorious practicers of piracy, ravaging the commerce and even the coasts of other nations almost at will. Before the Revolution a large commerce in flour, fish, and other products was enjoyed by America in Mediterranean ports. But as soon as America became independent the Barbary pirates began preying at will upon its commerce, seizing its vessels and holding their crews captive for ransom. Various agents were sent to remonstrate and to demand redress, but in vain. The pirates who had long flouted all Europe scorned this new power at the further side of the ocean. In Algiers twenty-one Americans were captured and enslaved, and nearly $60,000 was demanded for their release. But America had no money to use in redeeming them, so they had to be left to their fate; though Congress did finally give a small sum for providing them with food and other necessities of life.

While Adams was in London he had several interviews with the minister from Tripoli, who addressed him with much condescension and patronage. The Tripolitan conceded that America might be a great country, but he pointed out that its ships could not navigate the Mediterranean Sea without the permission of the Barbary States. He was willing to negotiate a treaty between the United States and Tripoli for $150,000, or with all four of the Barbary States for $600,000. Adams was presently joined by Jefferson, who was the American minister to France, and together they tried to get better terms from the Tripolitan, but in vain. He even demanded an addition of ten per cent. of the bonus mentioned, as a personal bribe for himself. The negotiations were fruitless. With Morocco, indeed, a treaty of peace and friendship was made in 1787, being negotiated by Thomas Barclay and signed by Adams and Jefferson; but the other three powers continued to prey upon our commerce at will. The United States was too poor to pay tribute, and too weak to fight; and a settlement of scores with the pirates of North Africa had to be postponed until we became a nation with a national government. And there was a similar postponement of all further treaty-making with all other powers.

To recapitulate, it may be observed that in the few treaties and the other relationships with foreign powers which antedated the formation of the Federal Government under the Constitution of the United States, three major things were achieved, one of which was and is good, while the other two were wholly and indefensibly bad, and have left a legacy of evil which in some measure troubles the nation to this day. The first of these was the adoption, in Franklin's treaty with Prussia, of a high and advanced principle of neutrality in naval warfare. It was far in advance of the world at that time, and indeed the world at large has not even yet come up to that standard, though it is steadily making toward that end. But what is most to the present purpose is that the adoption of that principle at that time, futile as it seemed, established a precedent which has ever since exerted a humane and beneficent influence upon our naval policy. The second of these things was our scandalous spoliation, persecution, and expulsion of all who were even suspected of having been British sympathizers during the Revolution; a crime compared with which the British expulsion of the Acadians was a trifling and negligible episode. The result was the loss to this country of thousands of its most valuable citizens, and the engendering of resentment and estrangement in Canada instead of cordial and helpful friendship. The third, also wholly and inexcusably bad, was the setting up of state rights over and above the obligations of national treaties. In that was set a precedent which has plagued us more than once since then, and which is the direct source of one of the most serious and perplexing of our present international controversies.

These two grave evils arose from the inherent weakness of the Confederation. And since the Confederation showed itself so disastrously inefficient in the conduct and direction of foreign affairs, it was natural that the alert and far-seeing foreign secretary should take the lead in seeking a new order of things which should give us a government worthy of the name. There was no more earnest and efficient advocate of Washington's ideal of a strong national government than Jay, especially when speaking from the fulness of his bitter experience as an ill-treated diplomatic agent of Congress abroad, and as the ill-treated foreign secretary of that same incompetent body at home. Congress, he complained, uniformly refused to consult him about the persons to be appointed to places in the consular and diplomatic services, whether small or great. But what better was to be expected of a governing body which could make war but could not enlist men or raise money to carry it on; which could make peace but could not enforce the terms of the treaty; which could form alliances but could not comply with their obligations; which could enter into commercial treaties but could not enforce them at home or abroad; which could borrow money but had not the means of repayment?

Long in advance of the Constitution, therefore, and in advance of the assembling of the convention which was to frame that instrument, Jay, in his correspondence with Jefferson, blazed the assured way to the essential and fundamental principles of the new order. "To vest legislative, judicial and executive powers in one and the same body," he said, "and that, too, in a body daily changing its members, can never be wise. In my opinion those three great departments of sovereignty should be forever separated, and so distributed as to serve as checks on each other.'' And he added that a degree of coercive power in the central government, to make its decrees effective, was essential. ''A mere government of reason and persuasion is little adapted to the actual state of human nature.'' There spoke the prophet of the Constitution. Yet by a strange irony of fate—or, shall we say, through the crass ignorance and stupid prejudice of his constituents?—Jay was not permitted to be a member of the Constitutional Convention! And he was excluded from it because of his expression of these very opinions which we have recalled. Just because he, above most men, realized the need of a constitution, and pointed out what its chief provisions should be, he was adjudged unworthy or unsafe to have a part in making that instrument.

Jay, however, was not idle during the formative period of the Constitution. He and Hamilton conceived the idea of writing and publishing the remarkable series of papers on the Constitution known as ''The Federalist,'' intended to explain the Constitution, to vindicate its provisions, and to commend it to the people for their ratification. Jay meant himself to write many of the papers, but being wounded in a riot in New York he was unable to contribute more than five, and the rest of the work, or most of it, was done by Hamilton and Madison. Jay's papers were naturally largely devoted to foreign affairs. Indeed, the need of the Constitution for the direction of our foreign relations was greatly emphasized. A national government was needed, it was urged, in order to avert ''dangers from foreign force and influence.'' It was pointed out that the States which bordered upon British and Spanish territory would be most likely, under the sway of impulse or sudden irritation, to plunge into war with those nations, without adequate cause. Nothing, said Jay, could so effectively avert that danger as a national government. Nor could anything more surely command respect for us abroad. Foreign nations would know our condition and act accordingly. If we remained separate States these would probably become discordant. One would incline toward alliance with England, another with France, a third with Spain. They would be played off against each other, and would fall an easy prey to foreign invasion or encroachment. But by a united nation unreasonable causes of war would be avoided, just causes would seldom be incurred, and the safety of the States would be secured "by placing them in a situation not to invite hostility." With Spain shutting us away from the lower Mississippi, with Great Britain excluding us from the St. Lawrence, and with both Great Britain and France seeking to exclude us from the North Atlantic fisheries and from commerce, the possibility of war must be considered. "War may arise; will not union tend to discourage it?" On the other hand, with separate States making separate and perhaps inharmonious treaties with foreign powers, would not lack of union encourage and provoke war? In this manner considerations of foreign policy exerted a powerful reflex influence upon our domestic constitution. We became a nation at home largely for the sake of presenting a united front to the rest of the world.

The second, third, fourth, and fifth numbers of "The Federalist" were devoted to foreign relations and the services which the Constitution would render to the nation in the conduct of affairs with other nations. In the eleventh number the theme was again taken up. It was pointed out that foreign nations were already jealous of our commerce, that that commerce was dependent for protection upon a navy, and that for the creation and maintenance of a navy uniformity of action through national union was necessary. The forty-second number discussed the provisions of the Constitution for the regulation of our intercourse with other nations. It was agreed that the making of treaties, the sending and receiving of ambassadors, ministers, and consuls, the defining and punishing of offenses against international law, and the regulation of foreign commerce, were obvious and essential functions of a national government. This fact was indeed recognized in the old Articles of Confederation, and the Constitution merely amplified the powers of the Congress, made them effective for enforcement, and vested them in specified departments of the general government. In the forty-fourth number the necessity of providing for the enforcement of treaties, as part of the supreme law of the land, was pointed out.

In the sixty-fourth number, which was written by Jay, there was an elaborate discussion of the proposal to invest the Federal Senate with the power of ratifying or rejecting treaties. Its text was the passage in the Constitution which gives the President power, ''by and with the consent of the Senate, to make treaties provided two thirds of the Senators present concur.'' It may be that there were some, even in the convention, who would have given that power to the President alone, without regard to either branch of Congress; just as it was thus enjoyed by the crown in monarchical countries. And indeed this was not illogical. For if the Government was to be divided into three separate and coördinate branches—executive, legislative, and judicial—and if the conduct of foreign affairs was a function of the executive, there was from one point of view no more reason for legislative participation in treaty-making than in the rendering of judicial opinions. On the other hand, there were many who would have had the treaty-making power retained by Congress. And this, too, from one point of view, was logical. For if the treaties were to be a part of the supreme law of the land, they ought to be made by the law-making body. Between these two views, the plan of the Constitution was an adroit and convincing compromise. It made one branch of the national legislature a participant in the conduct of foreign relations, and it selected for that purpose that branch which was the smaller and the more permanent, and which was the better able to consider treaties and other foreign affairs with the secrecy and the expedition which were often essential. In other legislation Congress took the initiative, and the President gave or withheld his approval. In treaty-making the President was to take the initiative, and one branch of Congress was to give or withhold its approval. And both classes of acts were to be equally the law of the land.

In one respect, however, upon which Jay dwelt with masterly skill, there was a radical difference between them. Laws of Congress could be repealed or altered at any time, by Congress itself. There were those who urged that treaties should be subject to the same treatment. But Jay convincingly pointed out that treaties were contracts, made between and by two equal parties, ''and consequently, that as the consent of both was essential to their formation at first, so must it ever afterward be to alter or cancel them.'' Again, he argued that ''a treaty is only another name for a bargain, and it would be impossible to find any nation who would make any bargain with us, which should be binding on them absolutely, but on us only so long and so far as we may think proper to be bound by it.'' The same phase of the subject was further considered by Hamilton in the seventy-fifth number. He dwelt upon the importance and sanctity of contracts between nations, and the need of the utmost circumspection in making them. The power of making them seemed to belong, he said, neither to the executive nor to the legislative branch of government, but to a separate department; but it was practically fitting for it to be exercised by a certain conjuncture of the two. ''The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the executive as the most fit agent in these transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them.''

Finally, in the eightieth number, Hamilton discussed the provision giving the federal judiciary authority in all cases relating to the intercourse between the United States and foreign nations. The Union, he argued, would undoubtedly be answerable to foreign powers for the conduct of its members; and the responsibility for an injury ought ever to be accompanied with the faculty of preventing it. A distinction might perhaps be imagined between cases arising upon treaties and the laws of nations and those standing merely upon the footing of municipal law; the former being supposed proper for the federal and the latter for state jurisdiction. But it was a question whether an unjust sentence against a foreigner, even on a matter of purely local law, would not, if unredressed, be an aggression upon his sovereign, just as much as one which violated a treaty or international law. Besides, there would be vast difficulty in discriminating between the two classes of cases. Therefore it was by far safest and most expedient to refer all such cases to the federal courts.

The Constitution, then, dealt as follows with the foreign relations and transactions of the nation: It gave to Congress, in both houses, the power to lay duties on foreign commerce, to regulate commerce with foreign nations, to define and punish offenses against the law of nations, to declare war, to provide and maintain a navy, and to provide for the common defense and general welfare. It forbade any officer of the United

States to accept any present, emolument, office, or title from any foreign authority, save with the consent of Congress. It forbade any State of the Union to enter into any treaty, alliance, confederation, agreement, or compact with any foreign power, save with the consent of Congress. It gave to the President the power, by and with the advice of the Senate, to make treaties and appoint ambassadors, ministers, and consuls, and to receive ambassadors and other public ministers. It gave to the federal courts of the United States jurisdiction in all cases arising under treaties; in all cases affecting ambassadors, ministers, and consuls, and in all cases between States or their citizens and foreign States or their citizens or subjects; but in the Eleventh Amendment, which went into effect nine years later, it was provided that the judicial power should not be extended to any suit against one of the States by citizens or subjects of any foreign State, the result being to debar the bringing of such suits.

In such fashion the makers of the Constitution purposed to remedy the defects of the old Confederation so far as the conduct of foreign affairs was concerned. The plan had twofold merits. In the first place it provided for a suitable and logical distribution and vesting of powers over foreign affairs among and in the three great departments of government which Jay had suggested. In the second and still more important place, it provided for a responsible and efficient central government such as Washington had recommended, which could present the nation with an undivided front to the outside world, which could enforce treaties as well as make them, and which could cause other powers to realize that in America they were at least dealing with a responsible and authoritative sovereign nation.

The Constitution was duly adopted, and in 1789 a new National Government was established upon its basis. One of the earliest acts of that Government was to organize an efficient department of foreign affairs, to complete the unfinished business of the old Congress, and to undertake those new negotiations which were hoped for and which were indeed essential to the progress of the nation. The old Congress of the Confederation, as one of its last acts, in September, 1788, had voted "that no further progress be made in the negotiations with Spain, but that the subjects to which they relate be referred to the Federal

Government which is to assemble in March next.'' There were other matters of unfinished business awaiting execution, and then there were further efforts to be made to negotiate with foreign powers the treaties which for the last four years had been sought and solicited in vain. So the twenty-eighth statute enacted by Congress, which was approved on July 27, 1789, provided for the establishment of an executive department, under the President, to be known as the Department of Foreign Affairs, its principal officer to be known as the Secretary for the Department of Foreign Affairs. That secretary was to perform and execute such duties as might be assigned to him by the President relative to correspondence, commissions, or instructions to or with public ministers or consuls from the United States, or with ministers or consuls from foreign States; or to memorials or other applications from foreign public ministers or other foreigners; or to such other matters respecting foreign affairs as the President might assign to him. A little later this was amended by Statute No. 68, approved on September 15, 1789, so as to change the name of the department to ''Department of State'' and the title of its chief officer to ''Secretary of State.'' This was an unfortunate and misleading change. It was made because Congress wanted this secretary to have charge of the correspondence between the President and the governors of the various States of the Union. That was a duty which should have been assigned to a secretary of the interior, but Congress was at that time unwilling to create another department. But that early law, of 1789, still stands as the organic law of the state department, which is in fact if not in name the department of foreign affairs.

It would not be easy to conceive circumstances at once more embarrassing and more momentous than those which surrounded the new Government at the time of its establishment in the spring of 1789, and of these untoward circumstances some of the worst were in the foreign relations of America. We had literally not a friend in the world. There was probably not a nation that had confidence in the stability or the success of the republic. It is not certain that there was one that wished us well. Whatever little sympathy and favorable expectation had been excited by our struggles in the Revolution had been forfeited and lost by the miserable ineptitude of the Confederation. We were as bankrupt in reputation abroad as we were in pecuniary fortune at home. And to extricate us from that deplorable plight and to give us an assured and honorable place among the nations, an untried system had been adopted and an unprecedented experiment was to be made. All that had gone before, save perhaps the single principle of neutrality to which reference has already been made, was eliminated and abolished. Our alliance with France was practically as much a thing of the past as was our war with England. We had to begin *de novo* the cultivation of foreign relationships with all nations of the world.

Three salient features of that situation must be recalled for a proper understanding of the task which confronted our first administration. One was the troublous condition of European affairs. France was on the verge of her colossal revolution, which was destined to transform all Europe. Washington was inaugurated president on April 30, and five days later the States General of France assembled at Versailles and began the Revolution. Spain was rapidly declining toward utter impotence and civil chaos. Great Britain was undergoing a profound transformation suggested by our own revolt against arbitrary power. And these three powers came into very direct contact with us, so that it was certain that in their conflicts we should be in danger of being involved.

The second feature of the case was that the American people had ever been accustomed to take their politics, at any rate their foreign politics, from Europe, and they were unprepared to do otherwise. They instinctively continued to look to England and France for diplomatic cues, and it was a difficult task to teach them to have regard for a system of their own and for a foreign policy based on the interests of America and not on those of Europe. A few Americans did indeed appreciate the need of so doing, chief among them Washington himself. Writing, before his election as president, to Sir Edward Newenham, he said: "I hope the United States of America will be able to keep disengaged from the labyrinth of European politics and wars; and that before long they will, by the adoption of a good National Government, have become respectable in the eyes of the world, so that none of the maritime powers, especially none of those who hold possessions in the New World or the West Indies, shall presume to treat them with insult or contempt. It should be the policy of the United States to administer to their wants without being engaged in their quarrels.'' There could be no sounder or wiser statesmanship than that. But the very fact that Washington deemed it necessary to write thus shows how far the country then was from realizing his ideal. He was convinced that one of the most important duties, perhaps the most important of all, for developing us into a true nation, was the breaking of all political bonds with Europe. To the performance of that duty he addressed himself. But it was his misfortune to be compelled to do so at the very time when the greatest civil storm the world had known for ages was beginning to break in fury, and when in spite of itself this country was caught at least in the outskirts of the vast disturbance.

The third element of the case, and perhaps the worst of all, was the rise of faction in the United States, and the injection of it into our foreign relations. During the Revolution party feelings had been held in abeyance. Massachusetts and Virginia, Puritan and Cavalier, worked and fought the common foe in harmony. But with the coming of peace faction began to manifest itself, and in the constitutional convention it expanded to vast proportions and displayed an ominous malignity. Primarily, the schism occurred over the question of the Central Government. Some favored a strong Federal Government and a Union of the States in an indivisible nation. Others would have perpetuated the mere league of independent States which existed under the Confederation. So the Federalists and Anti-Federalists arose. That would have been bad enough had the party differences been confined, as party differences always should be, to purely domestic affairs. But unfortunately they were not thus confined. The two parties soon differed as much in external policy as in internal policy. Domestic differences caused the young republic to present too often a divided front to the outside world, and because of such differences American statesmen allied themselves with foreign powers against their own countrymen.

In these circumstances the salvation of the country depended upon the statesmanship of Washington, no less than years before it had depended upon his military genius; and he worked out its salvation in an extraordinary manner. There fell to him at once the responsibility of appointing a secretary of state, who should under his directions conduct the foreign affairs of the nation. Probably the fittest choice for that place would have been John Jay, whose superb diplomacy had been the redeeming feature of our otherwise too often ignoble foreign relations under the Confederation. But Jay, with his spotless integrity and great legal ability, was needed at the head of the federal judiciary as our first chief justice. Adams was vice-president and therefore debarred from the secretaryship. Franklin was too old for further service. Next to these in prominence, in both domestic and foreign affairs, was Jefferson, and upon him the choice fell. It was an extraordinary choice from every point of view save that of purely public policy. There had been no personal friendship between Washington and Jefferson. They knew each other only slightly, and neither liked the other. In all of Washington's correspondence before this time there had occurred only a single mention of Jefferson, and that by no means favorable. Writing to Robert Livingston in January, 1783, before the conclusion of peace with Great Britain, and referring to the negotiations, Washington said: "What office is Mr. Jefferson appointed to that he has, you say, lately accepted? If it is that of commissioner of peace, *I hope he will arrive too late to have any hand in it.*" When we remember how little Washington was ever given to criticizing other men in his letters, this passage must be regarded as a striking revelation of his distrust of Jefferson and his antipathy toward him.

It is indeed difficult to imagine two men more radically unlike, save in one respect, than these two: in natural disposition, in habitual manner, and in views of public policy. Washington was a natural fighter, strong, direct, masculine; while Jefferson was a noncombatant, adroit, subtle, and feminine. The one was deliberate and conservative, the other impulsive and radical. The one judged policies by their demonstrated merits, the other eagerly embraced anything that was new just for the sake of its novelty. The one was constant and consistent, the other fickle and inconsistent. Yet in the one after all supreme respect of devotion to America and its interests, as they saw them from their diametrically opposite points of view, the two were in exact accord.

We must conclude, then, that Washington selected Jefferson for the secretaryship of state against his own personal inclinations, but on the ground of public welfare. He recognized Jefferson's ability, his integrity, his patriotism, and his considerable experience in diplomacy; for Jefferson was then and had been for some time the American minister to France. He recognized the fact, too, that Jefferson had a very large personal following in this country and commanded the confidence and affection of the people to an exceptional degree. True, Jefferson was one of the leaders of the political party opposed to that with which Washington himself was affiliated. But was it not for that very reason good policy to put him into the cabinet, so that the new Government might be representative of both parties? And at the worst, if Jefferson should be inclined to exhibit factional animosity toward Washington, it might be better to have him in the cabinet, where his doings could be constantly observed, than to leave him a free lance outside.

There was, indeed, some danger that Jefferson would cause trouble in our foreign relations, because he was of all men most inclined to meddle in the affairs of other lands and to shape American policies according to alien likes and dislikes; and this in spite of his subsequent exhortation to avoid entangling alliances. Thus in 1786 he spent a few weeks in London, coöperating with Adams, and his brief experience and observation filled him with a passionate and unreasoning distrust and hatred of England, which lasted for many years. "That nation," he wrote, "hates us, their ministers hate us, and their king more than all other men. . . . Their hostility toward us is much more deeply rooted at present than during the war. In spite of treaties, England is still our enemy. Her hatred is deep rooted and cordial and nothing is wanting with her but the power to wipe us and the land we live in out of existence." The English "do not conceive that any circumstances will arise which shall render it expedient for them to have any political connection with us. There is no party in our favor here, either in power or out of power. . . . The spirit of hostility to us has always existed in the mind of the king, but it has now extended itself through the whole mass of the people.'' Nor were his feelings toward England different from those which he believed England cherished toward us. ''I had never concealed,'' he said, ''that I considered the British as our natural enemies and as the only nation on earth who wished us ill from the bottom of their souls.'' He even suggested that the English were capable of aiding the pirates of Algiers in preying upon our commerce. He explicitly accused England of being responsible for the coolness of the rest of Europe toward us. ''There was,'' he said, ''an enthusiasm toward us all over Europe at the moment of the peace. The torrent of lies published unremittingly in every day's London papers first made an impression and produced a coolness. The republication of these lies in most of the papers of Europe carried them home to the belief of every mind.'' The wretched credit of the United States abroad he attributed partly to the real deficiencies of the country but partly also ''to the lies propagated by the London papers, which are probably paid for by the ministers to reconcile the people to the loss of us.''

These expressions we must consider as little better than fantastic. There was, as a matter of fact, no such incessant campaign against America in the English press; while if there were sharper criticism of this country then than there had been before and during the war, that circumstance was quite natural. Any nation feels, of course, more free to criticize and condemn another independent and alien country than a part of its own empire, even though the latter be rebellious. It would have been extraordinary if British criticisms had not, therefore, increased after the recognition of our independence. That there had been any general enthusiasm toward us all over Europe was certainly untrue. There was little in France, none in Spain, none in Russia, none in Austria. In Holland, in Sweden, and in Prussia there was an inclination toward friendly relations with us, but to call it enthusiasm involves gross exaggeration. Moreover, if there had been any such feeling, British hostility could scarcely have affected it. Great Britain was openly hostile toward France. Spain, and Holland, and was on bad terms with Prussia, while she had not one close and confidential friend in all Europe. In such circumstances to say that all Europe took its cues from England, and turned against America because of English railings against us, was simply preposterous. If Jefferson had possessed even a rudimentary sense of humor, he would never have made the statement.

From London, Jefferson had gone to Paris, where he became as much enamored of France as he was embittered against England. The wildest excesses of the French Revolution won his enthusiastic admiration, and he wished to see some of its spirit transplanted to America. "A little rebellion," he wrote, referring to Shays's Rebellion in Massachusetts, "now and then, is a good thing. An observation of this truth should render honest republican governors so mild in their punishment of rebellions as not to discourage them too much. . . . God forbid we should ever be twenty years without such a rebellion. . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants It is its natural manure." And again, "I am convinced," he said, "that those societies (as the Indians) which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under European governments."

Certainly these were strange and by no means auspicious views to be held by the secretary of state who was to lay the foundations of our foreign policies and was to conduct our foreign negotiations and relationships during the critical years of national infancy. If we pass over the astonishing sentiments in favor of occasional rebellions and against government of any kind, we must regard his intense partiality in his attitude toward European nations as most unfortunate; and as a matter of fact it entailed upon the young nation most unfortunate results. Beyond doubt, the true and wise attitude of one nation toward another is that which was expressed by Washington, when he said that "Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest." This was the counsel of Washington to the whole people. It was and is obviously still more pertinent and important to those officers of Government who have in hand the shaping of our foreign relations and the conduct of foreign transactions. And most of all was it pertinent and important to such officers in the first years of our national life, when we were just being introduced into the society of nations and were laying for all time the foundations of our foreign policy and our international relationships.

Jefferson had, however, two commanding principles of fitness for the task upon which he was entering. One was a passionate love for his own country and a devotion to its interests which surpassed every other consideration. There is no doubt that this love was the cause of his hatred of England and his affection for France. For, less than a score of years afterward, as we shall presently see, he exactly reversed himself, and gave to England his confidence and friendship, while he regarded the once beloved France as our deadliest foe. In his loves and hates, and all his astounding changes and inconsistencies, he was supremely animated by a passion of patriotism. The other principle was his belief in an undivided and indivisible nationality in our foreign affairs. He did not believe in a nation. Federalism was abhorrent to him. The powers given to the general Government by the Constitution seemed to him too great. He would have had the States remain separate and independent of each other. But still he wanted them to present a united front to the rest of the world. ''My general plan,'' he said, ''would be to make the States one as to everything connected with foreign nations, and several as to everything purely domestic.''

Jefferson was not permitted, however, to organize the state department and to open our intercourse with foreign nations entirely according to his own will. He was still in France, as our minister, when the first Government was formed under the Constitution. Washington was inaugurated on April 30. It was not until the following December that Jefferson returned to this country, and it was not until the latter part of March in the next year that he entered upon his duties as secretary of state. For those nearly eleven months, John Jay remained in charge of the foreign affairs of the Government, and in that time he was able to put upon them a degree of his own impress. But there were two other still more potent forces at work. One of these was Alexander Hamilton, who was secretary of the treasury, and who was on the closest possible terms of confidence and influence with the President. Indeed, he was always far more influential with the President than Jefferson, even in matters relating to Jefferson's own department. And Hamilton was in many respects the very antithesis of Jefferson. He inclined toward friendship with England rather than with France. But he had none of the passionate loves and hates for any foreign powers which Jefferson had, or appeared to have. He was calm, impartial, and moved by reason rather than impulse. He was, moreover, the advocate of two principles of supreme importance in our foreign relations which in after years became triumphant and which are among the most marked characteristics of our record. One was, that the United States, as an indivisible nation, should expand until it occupied or at least dominated the whole North American continent, and exercised the hegemony of the Western Hemisphere. To this policy Jefferson himself was forced by the logic of events in after years to become a convert, and much of his greatest fame rests upon his practical application of Hamilton's ideas. Hamilton's other great principle was that of the substitution of arbitration and international adjudication for war as a means of composing differences between nations; a principle with which this country has long been conspicuously and honorably identified. Through the immense importance of the treasury department, and through his personal influence with the President, Hamilton was able to impress these and others of his principles upon our state department at the beginning of its career.

But the dominant factor in the whole situation was, after all, Washington himself; and in no department of the Government did he more inexorably exert his mastery than in that of foreign affairs. It may have been because of that distrust of Jefferson which we have already recalled, or for some other reason. The fact is that he was in a notable degree his own secretary for foreign affairs. In several instances negotiations which usually would have been conducted by the secretary were conducted by Washington himself, and he never hesitated to overrule the secretary when that officer's word did not command his approval. Before he was chosen president he had expressed the hope, which we have quoted, that the United States would be able to keep itself entirely detached from the politics and the wars of Europe, and to the attainment of that end he addressed himself perhaps more vigilantly and energetically than to any other of his multifarious and arduous labors. His first great task on entering office was personally to examine, reading page by page, line by line, word by word, the entire record of the foreign transactions of the Confederation, in order to inform himself of the exact status of this country toward its neighbors; and as he did so he made copious notes, for further inquiry and consideration, and for guidance in the settling up of the vast and intricate mass of unfinished business which the Confederation had left to the new Government.

Nor must we underrate the statesmanship of Washington or his extraordinary judgment in seeing and understanding the great movements of the world. Talleyrand said of Hamilton, not extravagantly, that he ''divined Europe.'' Jefferson, Adams, Jay, Morris, and others had spent much time abroad and had studied Europe on the spot. But Washington, who had never crossed the sea, and who had spent most of his career with the army, immersed in military problems, had a vision of the world more keen, more comprehensive, and more luminous than any of them. Note what he wrote in October, 1789, in the first year of his administration, about the French Revolution, which was then in its early stages. ''If it ends,'' he said, ''as our best accounts predict, that nation will be the most powerful and happy in Europe; but I fear, though it has gone triumphantly through the first paroxysm, it is not the last it has to encounter before matters are finally settled. In a word, the revolution is of too great magnitude to be effected in so short space, and with the loss of so little blood. . . . To forbear running from one extreme to another is no easy matter; and should this be the case, rocks and shelves, not visible at present, may wreck the vessel, and give a higher-toned despotism than the one which existed before.''

Fortunate indeed was it for the young republic that its chief magistrate was a statesman of such serenity and genius of vision. For the inept diplomacy of the Confederation had left a legacy of actual embarrassment and of potential disaster; the gravest problems which can confront any nation in its foreign relationships were just before us demanding a solution big with the fate of America; and the whole civilized world was at the very verge of the most tremendous cataclysm it had known for centuries. Never was a new State inducted into the fellowship of nations under more hazardous and trying circumstances. Never was one controlled at such a conjuncture by a spirit of greater integrity, of greater prudence, or of greater resolution.

Early in our constitutional history a number of important principles concerning diplomatic intercourse with other nations were established. One, proceeding directly from the Constitution, was that the executive department of the Government was the sole source of diplomatic authority. At first, it is true, the President met with the Senate and discussed with it, face to face, the proposed terms of treaties which were to be negotiated; but that practice was soon discontinued and it was recognized to be the prerogative of the President to negotiate treaties, perhaps in secret, and not to lay them before the Senate for its "advice and consent," until they were completed and signed. It was similarly recognized that he should in like manner appoint all ambassadors, ministers, and consuls, of any rank.

Another principle was that foreign ministers must recognize the secretary of state as the sole organ of the executive. John Adams blazed the way to this in 1788, when he wrote in a letter to Jay: "There is no maxim more clearly settled in all courts, and in all negotiations between nations, than that sovereign should always speak to sovereign and minister to minister." One of the first acts of Washington on becoming President in 1789 was to remind the French minister, the Count de Moustier, of that salutary principle, and to insist upon its observance. A little later Jefferson, as secretary of state, laid down the rule for all time: "He (the President) being the only channel of communication between the country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation, and whatever he communicates as such they have a right and are bound to consider as the expression of the nation; and no foreign nation can be allowed to question it; (or) to interpose between him and any branch of Government."

A third principle was that the withdrawal or renewal of ministers and missions was to be determined by executive discretion. It will be recalled that John Adams was sent by the Confederation as minister to England, but that England sent none to America in return. In the fall of 1789 the President instructed Gouverneur Morris, then minister to France, to proceed to London as a private agent and to discuss with the British ministers the project of a treaty of commerce with the United States. He did so, and reported that when Mr. Pitt and the Duke of Leeds asked him why a regular minister was not sent he answered them that the United States could not send one on account of the neglect with which the former appointment had been treated. They asked him if America would appoint a minister if Great Britain would do the same. He replied that he thought so, but was not authorized to give any positive assurance. Writing to the President on this subject, John Adams, speaking from the fullness of his own unpleasant experience, said: ''As the King of Great Britain twice proposed to the United States an exchange of ministers, and when the United States agreed to the proposition flew from it, to send a minister again to St. James till that court explicitly promises to send one to America is a humiliation to which the United States ought never to submit. The utmost length that can now be gone, with dignity, would be to send a minister to the court of London, with instructions to present his credentials, demand an audience, make his remonstrance; but to make no establishment, and demand his audience of leave and quit the kingdom in one, two, or three months if a minister of equal degree were not appointed and actually sent to the President of the United States from the King of Great Britain.''

Again, it was decided that a nonacceptable minister might be refused by the Government to which he was accredited. ''It is a general rule,'' said Jefferson, ''that no nation has a right to keep an agent within the limits of another without the consent of that other.'' And again: ''Every foreign agent depends upon the double will of the two Governments—of that which sends him, and of that which is to permit the exercise of his functions within its territory—and when either of these wills is refused or withdrawn, his authority to act within that territory becomes incomplete. By what member of the (our) Government the right of giving or withdrawing permission is to be exercised here is a question on which no foreign agent can be permitted to make himself the umpire. It is sufficient for him, under our Government, that he is informed of it by the executive.''

It was also, as we shall presently see, in a very noteworthy case, determined that a minister who misconducted himself so as to make himself offensive or inacceptable to the nation which had received him, might be sent back. Diplomatic correspondence was to be held confidential, unless otherwise ordered by the state department; it was not to be disclosed even at the demand of Congress. The President and department of state were to receive no self-constituted missions from foreign lands, and no communications from foreigners on international matters excepting through the official channels of duly accredited ministers. The general manner of a minister's intercourse with the foreign Government to which he was accredited was admirably prescribed by Jefferson in his instructions to Thomas Pinckney, when the latter was sent as our second minister to England: ''To you, sir,'' he said, ''it will be unnecessary to undertake a general delineation of the duties of the office to which you are appointed. I shall, therefore, only express a desire that they may be constantly exercised in that spirit of sincere friendship which we bear to the English nation and that in all transactions with the minister his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their Government or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our Government permits itself to entertain either a will or opinion on that subject.''

In such manner were the organic and operative details of the state department arranged at the beginning of its career. It then remained for those rules and principles to be practically applied to the conduct of our foreign relations.

VII

ESTABLISHING NEUTRALITY

THE beginning of our constitutional career, under the administration of Washington, found our foreign relations in a primitive and fragmentary state. With Great Britain we had recently been fighting, and our peace treaty with her was as yet unfulfilled in some important details; and all efforts to cultivate closer diplomatic or commercial relations had thus far come to naught. France had been and was still nominally our ally, and we were trying to make a new consular convention with her, while she was manifesting an increasing disposition to patronize us and to draw us into her quarrels as a tool for her own use. With Spain our controversy over the Mississippi River and the Yazoo lands was still unsettled. Holland had loaned us money and sent a minister to us; and with her and Sweden and Prussia we had commercial treaties. To the piratical Barbary States we were paying tribute, or blackmail. With the rest of the world our relations were *nil.* To most foreign nations we were almost unknown, and the potentialities of our development were quite unappreciated.

It was a curious turn of the irony of fate that the first diplomatic conflict of the administration, a slight but significant one, should be with France. Immediately upon his inauguration as President, Washington was approached by the French minister, the Count de Moustier, in a patronizing manner, with a request, almost a demand, for private personal interviews, in which matters of international business might be orally discussed. It may be that he thought that such a privilege was his due in view of the services France had rendered to us in the Revolution, and of the close relationship which still existed between the two countries. It is more probable that he thought that he would be able to patronize Washington, and that the new republic would be glad thus to make itself a tail to the French diplomatic kite.

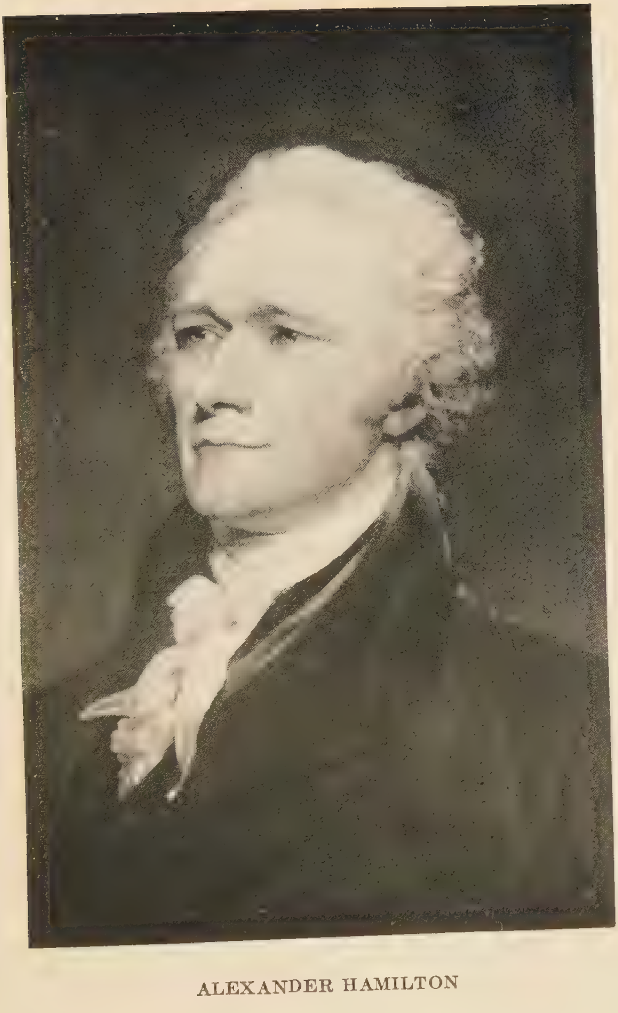
In either case he was quickly made to realize his mistake. Washington was not a skilled diplomat in the European sense of the word, but he had the supreme quality of common sense, and that revealed to him the unwisdom of pursuing such a course. He therefore replied to the French minister in phrases which set for all time the standard of American diplomatic intercourse. He protested that he had no thought of impeding the despatch or frustrating the success of business by giving attention to idle forms or by standing upon imaginary dignity. But if there were rules of procedure which had originated from the wisdom of statesmen and were sanctioned by the common consent of nations, it would not be prudent for a young State to dispense with them altogether, at least without substantial cause for so doing. He believed that, in order to avoid accidental mistakes or unintentional misrepresentations, it was best to conduct such negotiations in writing; and this method he would himself pursue if he were obliged personally to conduct negotiations. But he had been informed that in most polished nations there was an established system under which for the sake of utility, as well as from necessity and the reason of the thing, foreign as well as other business was digested and prepared by the heads of the great departments of state.

This was a masterpiece. In words of consummate courtesy, yet veiling a stinging rebuke which the French diplomat could not fail to feel, Washington made it clear that the President of the United States must be considered the peer of any European sovereign in dignity, and that foreign ministers must address themselves not directly to him but to his secretary of state for foreign affairs. Moreover, no nation, not even France, was to have any special privileges in dealing with this Government. France was not our superior. She was merely our equal; and all other nations were her equals. The United States regarded them all impartially. The Count de Moustier quickly realized his error and sought to repair it with apologies, excuses, and efforts to show that what he had asked was not unusual among nations; but it was in vain. Washington had spoken, and from the safe and sane position which he had taken he would not recede. He had fixed, once and for all time, the fundamental principles of American intercourse with foreign powers. Nor were those principles again seriously challenged; or, if they were in one or two instances, the results were disastrous to the challengers. The whole world was given unmistakably to understand that the United States was, at least in foreign affairs, a nation, the peer of all nations, and was to be treated with the deference due to any other sovereign State. It does not appear that Washington took counsel in this matter with any one else. Had he done so it would have been with either Hamilton or Jay, since Jefferson was still in France. Doubtless either Hamilton or Jay would have taken the same stand that he did. But the tone of his utterance sounds like Washington himself and alone. It was he who had a few months before laid the foundation of our foreign policy in the principle of keeping the United States ''disengaged from the labyrinth of European politics and wars.'' It was he who now similarly laid the foundation of our diplomatic practice; and of such service of his there was, as we shall see, still more to come.

One of the earliest pieces of international business transacted by the administration was the consular convention with France. Such a treaty had been negotiated in 1784 by Franklin, but had not been approved by Congress. In 1788, Jefferson, under congressional instructions, had negotiated another, which was supposed to be free from the objectionable features of the former, and in the first year of the new Government, before its author had returned from France to become secretary of state, it was laid before the President and the Senate for approval. Jay was acting as secretary of state, and while he did not altogether like all the provisions of the treaty he advised its ratification, as probably the best we could get at that time and as calculated to serve an urgent and important purpose. Thereupon the Senate gave, by the necessary two-thirds vote, its advice and consent to its ratification, according to the provisions of the Constitution. That was the first participation of the Senate in the treaty-making power of the United States.

There speedily came a marked and salutary change in the attitude of the world at large toward this country, due not so much to our diplomacy as to our domestic economy. The transcendent genius of Alexander Hamilton as a financier and as an organizer of national prosperity—one of the very greatest constructive statesmen the world has ever known—produced prompt and gratifying results. Order was brought out of chaos, and impending bankruptcy was transformed into pecuniary abundance. A year or two before our credit had been one of the poorest in the world. Now it became the best. Not Hamilton, nor any friend of his, but his most persistent and unrelenting enemy, Jefferson himself, reported to Jay from Paris in September, 1789, only six months after Hamilton had taken charge of the national Treasury, that in Amsterdam, then the financial capital and money market of the world, the credit of the United States stood first of all nations that had need to borrow. A short time before our bonds had stood at 93, but now had risen to 99; our securities were being eagerly sought by individuals and corporations in Holland, France, and England, and in a short time every dollar of our public debt would probably be held in Europe. At the same time American commerce advanced literally by leaps and bounds. Every port was a shipyard for the construction of vessels. Exports enormously increased. American ships began to throng the ports of Europe, and even visited those of India and China. On Jay's recommendation an American consul had been appointed at Canton in 1786, and he now soon had work enough to keep him busy. In 1791, Captain Gray took his ship *Columbia* first of all American vessels around the world; on the way visiting the Oregon coast and discovering the Columbia River, thus giving us our claim to the Oregon territory and to a frontage on the Pacific Ocean. In a year America became commercially a world power.

This extraordinary prosperity began, it is true, before the administration of Washington as President and of Hamilton as secretary of the treasury; yet it is none the less to be credited thereto. The fact was advertised abroad that Washington's advice would be followed in the creation of a strong Federal Government with power to levy and collect taxes; and that announcement, believed, caused immediate improvement in American credit. So when it was known here that Hamilton's policy of a protective tariff was to be followed by Congress, industry was greatly stimulated, in advance of the actual enactment. It was the confident anticipation of Hamilton's policy at first, and afterward the practical working of that policy, that caused the



ALEXANDER HAMILTON

revolution in our affairs, and that won for him the not exaggerated tribute of Daniel Webster: ''He touched the dead corpse of Public Credit and it sprung upon its feet. . . . The fabled birth of Minerva from the brain of Jove was hardly more sudden or more perfect than that of the financial system of the United States from the conceptions of Alexander Hamilton.''

These changed conditions correspondingly changed the attitude of the world toward the United States. It was realized everywhere that here was a new force, to be seriously reckoned with and appreciated. Nations began to seek relations with us; to send ministers hither and to receive our ministers with consideration. Our diplomatic service was pretty completely organized in 1791 and 1792, in the appointment of five ministers to European countries. Thomas Pinckney of South Carolina, a man of exceptional force of character and high ability, was sent to Great Britain. In France, Jefferson had been temporarily succeeded by William Short of Virginia, but he was now replaced by the expert and masterful Gouverneur Morris of New York, while Short was transferred to Holland, there to serve for two years and then give way to John Quincy Adams. To Portugal, David Humphreys of Connecticut was accredited; while to Spain was sent William Carmichael of Maryland, who had served there as Jay's secretary and had since been chargé d'affaires at that court. These were all the legations which were established under that administration.

The appointment of Morris as minister to France was not accomplished without an unfortunate manifestation of factionalism and the intrusion of foreign influences into American affairs. Ratification was opposed in the Senate by a few partisan friends of France, who did not regard him as sufficiently sympathetic toward the revolutionists in that country—as though a man's fitness to represent and to serve his own Government was determined by his personal opinions on some matters of foreign politics! Washington chose Morris to transact the diplomatic business of the United States, not to be a propagandist either for or against the French Revolution. There is only too good reason for suspecting that this opposition to him was clandestinely incited and promoted by more or less corrupt French agencies, following the practice which had prevailed under the Confederation, when such influences notoriously prevailed. However, the opposition failed, and Morris proved himself, during a too brief career, a singularly capable and worthy minister. Indeed, his two years of valiant and brilliant service at Paris form one of the brightest passages in our early diplomatic history. Morris was, of course, accredited to the court of France while there was yet a royal court at least in name, and while Louis XVI was still nominally king. When that sovereign and his family were seen to be in danger of the death, which in fact soon overtook them, Morris chivalrously engaged in an undertaking to facilitate their escape to a place of safety. This plan failed at the last moment through the indecision and timidity of the king; though the king preferred it to any other scheme for safety which had been proposed. Morris reluctantly accepted the custody of the king's personal money, and succeeded in withholding it from the revolutionists who sought to confiscate it. He had the perilous distinction of being the only foreign minister who remained in Paris during the Reign of Terror; as another American minister, Mr. Washburne, many years afterward was the only one to remain there during the double siege of that city in the Terrible Year of 1870–71. During that tragic era it was his grateful privilege to succor Lafayette and his family, when that noble friend of America was cast into prison. The unscrupulous French minister for foreign affairs tried at first to tempt and then to bully him into a corrupt bargain concerning the American debt which was held in France, from which that minister would personally derive dishonest profits. Morris's reply was a blunt refusal and a demand for his passport. At this the scoundrelly minister apologized and begged him not to leave. Ultimately Morris had the satisfaction of paying off honestly the entire American indebtedness to France.

There now arose for the first time in our history the always important and delicate question of the recognition of a new National Government; in this case the more delicate because the country involved was our own recent ally, France. In August, 1792, Morris reported that the king had been deposed and a new Government established. The new Government might prove permanent, or it might last only a short time. He found himself, therefore, "in a state of contingent responsibility of the most delicate kind,'' and asked for instructions. Jefferson, as secretary of state, did not reply until the following November, and during the interval watched the progress of the Revolution closely and took counsel with the President and the other members of the cabinet. Finally he wrote: ''It accords with our principles to acknowledge any Government to be rightful which is formed by the will of the nation, substantially declared. The late Government was of this kind, and was accordingly acknowledged by all the branches of ours; so any alteration of it which shall be made by the will of the nation, substantially declared, will doubtless be acknowledged in like manner. With such a Government every kind of business may be done. But there are some matters which I conceive might be transacted with a government *de facto,* such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation.''

There was in this latter a strange misconception of the functions of governmental departments, in the reference to recognition ''by all the branches'' of our Government. Surely recognition was and is exclusively the function of that branch of the Government which is charged with the conduct of foreign affairs. There was also a touch of hesitancy in the mere promise that the new Government would doubtless be acknowledged. A more resolute and decisive secretary would have given positive instructions to recognize or not to recognize the revolutionary régime. Nevertheless, as this was the first case of recognition in our history, a certain hesitancy was pardonable, the more so since Jefferson in the following March, 1793, wrote again a letter more positive in tone, which served as a foundation for our whole subsequent policy toward new Governments. ''We surely cannot,'' he said, ''deny to any nation that right whereon our own Government is founded—that every one may govern itself according to whatever form it pleases, and change these forms at its own will; and that it may transact its business with foreign nations through whatever organ it thinks proper, whether king, convention, assembly, committee, president, or anything else it may choose. The will of the nation is the only thing essential to be regarded.''

In January, 1793, the King of France was put to death, and in February Mr. Ternant, the French minister to the United

States, notified our Government, in the name of the Provisional Executive Council, that the French nation had formed itself into a republic. Jefferson promptly acknowledged the receipt of this information, in the name of the President, and expressed the great pleasure which the Government and all citizens of the United States felt in seeing the liberties of France "rise superior to foreign invasion and domestic trouble," a phrase which certainly went as far as neutrality would permit, if not somewhat further, in its expression of sympathy with France in her conflict with other nations with which we were on equally friendly terms. Had the foreign invaders of France been so inclined, they might have regarded that expression as the manifestation of an unfriendly disposition toward them; though to be sure it was technically justifiable on the ground that we were still France's ally, for defense if not for aggression, and therefore properly sympathized with her in her resistance to alien attacks.

The question of recognition was revived a little later, when Ternant was succeeded as French minister to the United States by an erratic young revolutionist of the Girondin faction, named Genet, who had little diplomatic training, no fitness, no courteous manners, and a minimum of common sense on any topic. It was he over whom the question had risen, whether he was to be received by the Government and in what capacity. That question was, of course, more than personal. It involved again the grave problem of the recognition of a new Government, since Genet was the first minister appointed since the execution of the king, whom we had recognized as the lawful ruler of that country. What was to be the attitude of the United States toward this change? Should this country recognize the new revolutionary Government and receive its minister? Or should it give such recognition to the man who assumed to act as regent in the late king's stead? Hamilton sought the judicial counsel of Jay, then chief justice of the Supreme Court. Jay replied that he would not receive any minister from the regent until he was regent *de facto;* which meant that the regent was not to be recognized at all, since he was quite unable to establish his authority in fact. Jay also, at Hamilton's request, prepared a draft of a neutrality declaration, which said nothing about treaties, and which carefully avoided using the word "neutrality" because at that time that word was associated with the idea of nonintercourse between nations, and there was no wish to proceed to that extreme; and this draft probably served as the outline of the neutrality proclamation which was written by Edmund Randolph and promulgated by Washington.

The second question of recognition arose only a little later. In the fall of 1794 the conquest of Holland by France seemed imminent, and the American minister to that country, John Quincy Adams, wrote home for instructions as to his course in that contingency. By that time Jefferson had retired from the state department, and Edmund Randolph was secretary in his stead, and he replied: "The maxim of the president toward France has been to follow the government of the people. Whatsoever regimen a majority of them shall establish is both *de facto* and *de jure* that to which our minister there addresses himself. If therefore the independency of the United Netherlands continues, it is wished that you make no difficulty in passing from the old to any new constitution of the people." Should, however, he continued, the Netherlands become a dependency of France, the minister's mission would *ipso facto* be ended, by the extinction of the Government to which he was accredited. In that case he should remain on the ground, to observe and report the progress of affairs, avoiding the giving of offense; and, so long as the issue was doubtful, he should discreetly avoid committing himself and his Government to either side.

Just here, in passing, there should be noted another of Washington's masterful contributions to the upbuilding of the nation's foreign policy. He saw with prophetic vision the impending conflict between England and France, and the certainty that each party would strive to implicate the United States in it to its own advantage, and he determined to forefend so far as possible any such catastrophe. Accordingly he lost no favorable opportunity of emphasizing the neutrality and the fearless independence of the United States. In 1792 we were having troubles with the Indian tribes, and a rumor arose that we were seeking or would seek the aid of England in composing them. Upon that Washington wrote to Morris, in France, saying: "One thing I must not pass over in silence, lest you should infer from it that Mr. D—— had authority for reporting that the

United States had asked the mediation of Great Britain to bring about a peace between them and the Indians. You may be fully assured that such mediation never was asked, that the asking of it never was in contemplation, and I think I might go further and say that it not only never will be asked, but would be rejected if offered. The United States will never have occasion, I hope, to ask for the interposition of that power or any other to establish peace within their own territory.'' Thus temperately but with just pride was notice served upon the world that the new American republic was sufficient unto itself.

But now the war clouds which had been gathering over Europe began to break in fury, and it was evident that the two great nations with which our relations were closest would soon be involved in strife. Washington was not unsympathetic toward France, but neither was he willing to be subservient to her. In July, 1791, he wrote to Lafayette a sympathetic letter, but conveyed in it a warning which was none the less marked because it was couched in courteous and kindly terms. ''The decrees of the National Assembly respecting our tobacco and oil do not,'' he said, ''appear to be very pleasing to the people of this country; but I do not presume that any hasty measures will be adopted in consequence thereof; for we have never entertained a doubt of the friendly disposition of the French nation toward us, and are therefore persuaded that, if they have done anything which seems to bear hard upon us at a time when the Assembly must have been occupied in very important matters, and which, perhaps, would not allow time for due consideration of the subject, they will in the moment of calm deliberation alter it and do what is right.'' Later, in March, 1793, he saw that the general war in Europe was at hand. ''I trust,'' he said, ''that we shall have too just a sense of our own interest to originate any cause that may involve us in it.''

Then the storm broke, and Great Britain declared war against France, or against the Reign of Terror. The news reached Washington at Mount Vernon. He prepared for immediate attendance at the seat of National Government, and meanwhile wrote to Jefferson, the secretary of state, as follows: ''War having actually commenced between France and Great Britain, it behooves the Government of this country to use every means in its power to prevent the citizens thereof from embroiling us with either of those powers, by endeavoring to maintain a strict neutrality.'' And he requested Jefferson to give the matter consideration so that appropriate action might be taken without delay. Such was Washington's personal policy, but he was not the autocrat to impose it as his own will. He consulted his cabinet, submitting to them a series of questions, of which there was no lack in either number or importance. He recognized the fact that our treaty with France did bind us to guarantee her possession of her West India Islands in any defensive war which she might wage. But, on the other hand, France had declared war against England, and this was therefore not a defensive but an aggressive war. Did the treaty of alliance, in such circumstances, bind us to be France's ally in this war? Or were we to stand aloof, in strict neutrality between our recent antagonist and our helpful friend? What reception was to be given to the French minister who was on his way hither to enlist our aid? Should the administration act according to its own judgment, or should it assemble Congress in a special session to deal with the crisis?

The result was the confirmation of Washington's policy. Jefferson would probably have preferred alliance with France; but he acceded to the opinion of his colleagues and the cabinet unanimously advised Washington to issue a proclamation of neutrality. Jefferson agreed to the promulgation of a neutrality treaty, but he opposed using the word ''neutrality'' in it, not for the reasons for which it was actually omitted, but because he thought that it had a market value and should not be used gratis! Our neutrality was, he said, ''worth something to the powers at war. They would bid for it, and we might reasonably ask a price, the broadest privileges of neutral nations.'' This was certainly an extraordinary course to propose, which would have put our foreign policy on a commercial rather than an ethical basis. It would obviously, moreover, have subjected us to grave danger of embroilment with one or both of the belligerent powers. The proposal seems not to have been seriously considered by the other members of the Government. It was also decided to receive the French minister in a spirit of benevolent neutrality, and not to call Congress together. Thus Washington's will prevailed. Hamilton drafted the questions, it is said, and Edmund Randolph, the attorney general, wrote the proclamation of neutrality. But in doing so they were the mere secretaries of the President. The policy which was thus executed was Washington's own. It had been repeatedly forecast by him, in many utterances, on many occasions, and it was unmistakably rehearsed in his terse and pithy letter to Jefferson just before this cabinet council was held.

The neutral proclamation of April 22, 1793, was epochal. Brief and to the point, it fixed forever the attitude of the United States toward European wars. "The duty and interest of the United States require," it said, "that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers." Therefore it was declared to be the disposition of the United States to observe such conduct; citizens of the United States were warned that they would subject themselves to punishment or forfeiture under the law of nations by joining in the hostilities in any way or by carrying contraband goods, from which punishment and forfeiture the United States would not protect them; and that all persons who violated the law of nations within the jurisdiction of the United States would be prosecuted by this Government. That was the approved foundation of the unbroken policy of the American government from that time to the present, as expressed and maintained in numerous proclamations and statutes. Its establishment at that time was startling, and fraught with momentous consequences both at home and abroad. In the latter respect it served notice upon the nations of the world that America, which hitherto had been involved in every European war in which Great Britain, France, and Spain were participants, was never again to be made a party to alien feuds. In domestic affairs it reminded Americans that we were at last a nation, by ourselves, with our own interests, and that we were no longer to regard ourselves as colonists or as an appendage to any other power. At last the words of the Declaration of Independence were to be fulfilled, and we were to hold Great Britain, and France, and "the rest of mankind, enemies in war, in peace friends." This proclamation was supplemented in 1794 by an Act of Congress defining offenses against neutrality and prescribing penalties therefor. Long afterward, in 1823, speaking in the British Parliament, Canning said: "If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the presidency of Washington and the secretaryship of Jefferson."

The course of independence and neutrality was, however, persistently beset with formidable difficulties of two kinds. One arose from faction at home. Under the dominance of Washington the cabinet was nominally a unit, but in fact there was a bitter and irreconcilable conflict of policy between its two chief members. Hamilton doubtless inclined toward Great Britain rather than France, but he was above all for strict neutrality between the two and for the national independence of America in the highest degree. Jefferson had a passionate hatred of England and was at this time indulging in blind adulation of France and especially of the French Revolution. While, therefore, Jefferson officially agreed to Washington's policy of neutrality, he personally opposed it, and insisted that, under our treaty of alliance with France, we should give that country all possible aid short of going to war with Great Britain. This difference of opinion between Jefferson and Hamilton was carried into the public press, in a series of controversial articles of the most extreme and violent tone, those on Jefferson's side being written, however, not by himself but, at his earnest request, by James Madison, who went so far as to denounce the neutrality proclamation as "a most unfortunate error." This disgraceful wrangle had no influence upon the policy of the Government, but it caused it much embarrassment and was mischievous in its effect upon the public mind.

But the supreme difficulties in the way of neutrality arose with the coming of the new French minister. Genet arrived in this country on April 8, at Charleston, South Carolina, and instantly showed that he regarded the United States not as a neutral power but as an ally of France; and not even an equal ally but a subordinate appanage to that country, which was to be treated much as though it were a French colony. Instead of hastening to the seat of government and presenting his credentials, he halted at Charleston long enough to fit out privateers and organize an admiralty court at the French consulate for the condemning of prizes. Then he proceeded northward, making inflammatory speeches to the public, distributing commissions in the French army and navy, recruiting volunteers, and organizing the country for war with England, and for the invasion of the Spanish territories of Florida and Louisiana. He acted, in brief, as though the United States were the recruiting ground of France. Nor did he lack popular encouragement. Almost everywhere he was greeted with enthusiastic acclaim by a large part of the people. In a considerable part of the American press, too, he was supported with a zeal which suggested the influence of French subsidies. The nation was, in fact, divided into two parties, not over any domestic policy but over a purely foreign concern. One was the French party, led by Jefferson, which would involve us in a foreign war in which we had no interest and would put us back into the very plight of subordination to European interests from which we had sought to extricate ourselves by the Revolution. The other, led by Washington and Hamilton, was the party of neutrality and Americanism. Generally speaking, these parties corresponded with the Federalist and Anti-Federalist or Republican parties which had arisen over the Constitution. The Federalists were now known as the Anglican or Anti-Gallican party, while the Anti-Federalists were the Gallican or French party. In this unhappy conflict Washington himself was not spared, but was publicly attacked with virulence. It was the most critical time in the history of the young republic. Said the Jeffersonian organ at Philadelphia, the national capital: ''The minister of France, I hope, will act with firmness and spirit. The people are his friends, or the friends of France, and he will have nothing to apprehend, for, as yet, the people are the sovereigns of the United States.'' There could have been no more direct approval and encouragement of Genet's monstrous course, nor any more flagrant defiance of the President's proclamation of neutrality than these utterances, for which the American secretary of state was himself responsible.

Nor were these pernicious activities confined to words alone. Privateers commissioned by Genet began preying upon British commerce; not alone on the high seas but in the territorial waters of the United States, one actually inside of the Capes of the

Delaware. Genet himself reported to the French government that he had fitted out fourteen privateers and that these had captured eighty British vessels; adding that his activities would have been still more extended had it not been for the meddlesome obstruction of the United States government. Even before he reached Philadelphia and was received by Washington, his privateers had seized British ships in American waters and brought them into American ports to sell them as prizes; and the British government had remonstrated against such a breach of neutrality. When finally he reached Philadelphia, as a crowning act of insolence he had one of his law-breaking privateers fire a salute in his honor. It was on April 22 that Washington issued his proclamation of neutrality. It was not until May 18 that Genet deigned to present himself with his credentials. Washington received him with courtesy and dignity, and probably with some coolness, which was amply justified by Genet's outrageous conduct. The Frenchman doubtless expected Washington to embrace him and salute him as "Citizen"; wherefore he was much chagrined and went away grumbling against the "old man," as he called Washington, as an enemy of liberty. He declared that Washington was jealous of his popularity, and that he would force Washington to call a special session of Congress.

There were those, however, who would not stomach the French minister's scandalous antics. Two renegade Americans who had accepted French commissions were indicted by a grand jury; an act against which Genet bitterly remonstrated, declaring it to be something which his pen almost refused to record. Then the administration ordered the seizure of the privateers which he was fitting out in our ports, and Governor Clinton seized the first one, at New York. At this Genet erupted again, with a tirade of remonstrance and impertinent abuse, in which he was vigorously backed by the so-called French party. Jefferson himself was in private disgusted. He tried in vain to restrain Genet within the bounds of decency, ignoring the fact that he himself had given the minister his chief encouragement; and he wrote to Madison that the appointment of Genet was the most calamitous ever made, and that the political party to which they belonged would have to repudiate him if it did not wish to be ruined. But a host of Jefferson's followers continued their acclamations of Genet and their savage abuse and denunciation of Washington, to the very end.

Amid all this madness and menace one commanding good arose at an early day, at the hand of that knight-errant of our early statesmanship, without fear and without reproach, to whom we owe more than to any other man of that era, with the exception of Washington and Hamilton, and who indeed often seemed to vie with if not actually to surpass them in the varied splendor and priceless value of his services. John Jay was then the first chief justice of the Supreme Court of the United States, and in a notable manner he demonstrated at an early date the importance and power of the national judiciary. A federal grand jury met at Richmond, Virginia, on May 22, 1793. It was only four days after Genet's reception by Washington at Philadelphia, and in the very midst of the mad heyday of his privateering, recruiting, and other violations of law. Jay was the presiding justice at that court, and mindful of what was going on and of the perils to the republic which were involved therein, he adverted to the subject in his charge to the grand jury. "The laws of nations," he said, "make part of the laws of this and of every other civilized nation. They consist of those rules for regulating the conduct of nations toward each other which, resulting from right reason, receive their obligations from that principle and from general assent and practice. To this head also belong these rules or laws which, by agreement, become established between nations. . . . We are now a nation, and it equally becomes us to perform our duties and to assert our rights. . . . The United States are in a state of neutrality relating to all powers at war. . . . Therefore they who commit, aid, or abet hostilities against those powers, or either of them, offend against the laws of the United States, and ought to be punished."

No estimate can be too high of that noble and epoch-making utterance. At least equally with any other utterance of any other man, it was and is a foundation stone of American foreign policy, and should be of the foreign policy of every nation. That "it equally becomes us to perform our duties as to assert our rights" is the expression of absolute perfection in international ethics, which, it if could be practically realized among the nations, would result in universal and perpetual peace. It was, moreover, the first enunciation of the principle, which indeed was recognized in the Constitution but which needed Jay's dictum to give it vital force, that international law and treaties are a part of the law of the land and are even superior to mere national, state, or municipal law. Sir Henry Maine has said, on this point, that "international has precedence of both federal and municipal law, unless in the exceptional case when federal law has deliberately departed from it"; and he calls this a "distinctively American doctrine." If so, America may well be proud of the distinction, for it is the supreme indication of scrupulous honor and benevolence in foreign policy.

This was Jay's irrefragable logic: International law is a part of the common law of all civilized nations. International law assumes neutrality—that is, non-belligerency—to exist and to be practised until there is an actual declaration of war. A neutral must give no aid in arms or men or vessels or otherwise, to either belligerent. Therefore any one giving such aid prior to a declaration of war violates international law and common law, and is a criminal. This was epoch-making, for it marked a flat reversal of our former policy in revolutionary times. For our revolutionary treaties contemplated partiality toward whichever nation we favored in a strife. If that policy had been continued, we should incessantly have been a party to European wars. Jay's wiser course elected that we should identify ourselves with the common law rather than with the common quarrels of European powers. It is interesting to recall, by the way, that this great dictum of Jay's was, eighty years afterward, embodied almost verbatim in the Treaty of Washington. A subsequent decision of Jay's was to the effect that "no foreign power can, of right, institute or erect any court of judicature of any kind within the jurisdiction of the United States, but only such as may be in pursuance of treaties." Therefore the jurisdiction of the French consular prize courts which Genet had established was unwarranted and void.

It is mournful to record that rabid partizanship inspired the denunciation of these dicta, and of Jay for making them, and succeeded in so prejudicing the public mind against them that, while a man was indicted by the grand jury for violation of neutrality, it was impossible to find in Virginia a petit jury that would convict him. Following Jay's declarations, however, the Government informed Genet that he must send his privateers out of American territorial waters; which he reluctantly did. For a few weeks comparative quiet prevailed. Genet, however, was incorrigible, and soon committed renewed and aggravated acts of lawless folly.

Early in July it became known in Philadelphia that the British ship *Little Sarah,* which had been captured by a French warship and brought into that port as a prize, was being fitted out as a privateer. This was, of course, a most flagrant breach of neutrality, which Jefferson and other friends of France realized was going too far. They remonstrated with Genet, who passionately and defiantly told them that the vessel would sail in spite of them. At that Governor Mifflin of Pennsylvania, although an ardent Gallican, sent a company of militia to hold the ship; and next day Jefferson personally got from Genet a declaration that the vessel would not be ready to sail until a certain date. Jefferson strangely regarded this as a promise that the vessel would not sail, and accordingly had the troops withdrawn. Immediately Genet sent the vessel from Philadelphia down to Chester, where it would be much easier for her to slip out to sea. This was not bad faith, for Genet had explicitly declined to make any promise of detention of the vessel. But it was open defiance of the neutrality proclamation and international law. When it was made known to the cabinet, Hamilton and Knox wanted to mount a battery near the ship, to sink her if she attempted to put out to sea; and it would probably have been well had their counsel prevailed. But Jefferson expostulated and protested, and succeeded in postponing all action until Washington arrived from Mount Vernon. Then, apparently not wishing to meet in person his angry chief, Jefferson himself hastened away home. Washington was angry, as he had cause to be, and he wrote to Jefferson a vigorous letter. "Is the minister of the French republic," he demanded, "to set the acts of this Government at defiance with impunity? What must the world think of such conduct, and of the Government of the United States in submitting to it?" He reminded Jefferson that this was a matter for him, as secretary of state, to deal with, and he demanded an immediate reply.

Jefferson's reply was that Genet had promised him that the vessel would not sail until the President had considered her case and had reached a decision about her. But unluckily for the secretary of state, at almost the very moment when he made this reply to Washington, Genet surreptitiously sent the vessel to sea. If he had made any such promise to Jefferson, he broke it. If he had not, Jefferson deluded himself and the Government. In either case, the Government was humiliated and embarrassed, and Washington was justly enraged. He had to summon all his self-control to keep from summarily ordering Genet out of the country, and perhaps, too, from dismissing Jefferson from his cabinet. But he was a man of marvelous restraint and he realized that so long as the country was unhappily divided into factions over the matter, it was desirable to keep the peace. Before long, he felt sure, Genet would fill the cup of folly and wrath so full that even the most rabid Gallicans would be glad to get rid of him. He therefore contented himself for the time with taking the management of the case out of Jefferson's hands into his own. He wrote Jefferson a severe letter, directing that thereafter all correspondence with Genet should be submitted to himself and to the attorney-general; and he stated plainly that Genet's official conduct would have to undergo "very serious consideration." Within ten days thereafter the cabinet determined to ask France to recall the unacceptable minister.

But at the very time when this was being decided upon, though all unknown to him, Genet went on with greater insolence and folly than ever before. The French consuls at various ports, under his direction, arrogated to themselves powers which grossly infringed upon the sovereignty of the United States. The most flagrant case was at Boston, and Washington, on learning the facts, revoked the *exequatur* of the offending consul. At this Genet seemed to go quite mad, and in a monumentally impudent note he declared that the President had overstepped his authority, and that he, Genet, would appeal against him to the sovereign State of Massachusetts! It was also made known that Genet had threatened to appeal to the people at large against the President. This brought matters to a crisis. Some of the Gallicans approved even such fantastic extremes of their idol. "Is the President," demanded one paper, "a consecrated character, that an appeal from his decision must be considered criminal? Or are the people in such a state of degradation that to speak of consulting them is an offense as great as if America groaned under a dominion equally tyrannical with the old monarchy of France?" With such utterances extant, reflecting the sentiments of the secretary of state, America seemed upon the brink of a Convention government, with a march of Mænads upon the capital! But most of the Gallicans denied that Genet had ever made such a threat, and demanded a retraction of the story. They realized that if he had made the threat, his conduct was indefensible. The retraction, however, was not forthcoming. On the contrary, John Jay and Rufus King published a statement reasserting the truth of the story and making themselves responsible for it. This turned the day against Genet, the public generally believing Jay and King. The last support that Genet had was quickly forfeited by himself, when he wrote to Washington demanding that he should deny the story. Washington curtly replied that the President of the United States did not consider it proper or material to make such a denial, and that Mr. Genet's correspondence should be addressed to the state department! Genet blustered, threatened to sue Jay and King for libel, demanded that the attorney-general should prosecute them, and lamented that America was no longer free. But the deed was done. The country had recovered its sanity and was now united in support of the president. Genet's removal was speedily effected, and in February following a new minister, Mr. Fauchet, took his place. When Congress met the whole case was reported to it, and it approved the course of the administration, whereupon Genet shrieked: "Congress has met! Washington has unmasked himself! America is befouled!" But it was a curious bit of fate's proverbial and in this case beneficent irony, that Genet presently was indebted to Washington for the saving of his life. Robespierre was now in power in France, and wished to make Genet share the tragic fate of the other Girondins, so he gave the new minister, Fauchet, orders to arrest him and send him back to France, and to the guillotine. But Washington intervened and refused to let Genet be extradited. So that extraordinary person remained in the United States for the rest of his life. Moreover, he married a daughter of that Governor Clinton, who had caused the seizure of one of his privateers; and with her lived happily forever after!

The practical dismissal of Genet had two personal results, affecting far more important men than he. One was, the retirement of Gouverneur Morris from the place of American minister to France. This was done at the request or practical demand of the French government, made immediately after Genet's removal, and ostensibly on that account. Morris had indeed long been a thorn in the side of the French Revolutionists, of whom they had been seeking an opportunity to get rid. He was by far too honest for those patriots of the itching palm, and too high-minded. He maintained a self-respecting dignity which was offensive to the Sansculottes. He was also annoyingly insistent in his protests against French seizures of American shipping, a practice which was then in full blast; but his remonstrances were in vain. Nothing but a navy could make them effective, as was demonstrated a few years later. Of course on France's request Washington had no alternative but to recall that particularly loyal and efficient minister; an incident the more regrettable because of the error which Washington committed in appointing Morris's successor. Washington sought to hold himself, like a constitutional monarch, above and apart from party politics. He belonged, at least nominally and professedly, to neither the Federalists nor the Anti-Federalists, to neither the Gallicans nor the Anti-Gallicans. As a matter of fact he was strongly inclined toward the Federalists and the Anti-Gallicans, and the course of events steadily increased that inclination. When, however, he had to appoint Morris's successor he purposely selected a pronounced Anti-Federalist and Gallican and follower of Jefferson, to wit, James Monroe. This was done presumably in order to demonstrate his own impartiality between the two parties. It was, however, for that very reason an error, because it set the example of selecting a man for an important foreign post because of considerations pertaining to domestic politics. If foreign influences should not be permitted to affect domestic affairs, neither should domestic politics be injected into our foreign diplomacy. The act was an error, too, because Monroe proved himself to be conspicuously unfitted for the place. He became enamored of the revolution, even of its excesses, and comported himself in a most fantastic manner. He thus made himself as popular as his predecessor had been unpopular. Unfortunately he partly neglected and partly mismanaged the business of the nation to such a degree that Washington was presently compelled to recall him. His chief errors were, first, in flamboyantly addressing himself to the whole French people through the Convention, instead of to the committee of public safety, in which he emulated the error of Genet in America; second, in expressing sentiments of sympathy and moral alliance with France far beyond the limits of diplomatic neutrality; and third, in deliberately working against his colleague, the American minister to Great Britain. He was recalled in August, 1796, and was succeeded by Charles Cotesworth Pinckney.

The other result of Genet's recall, if indeed not of his whole career in this country, was Jefferson's resignation of the office of secretary of state. This was irrevocably announced by Jefferson in July, 1793, at the climax of the Genet episode, but at the special urging of Washington he remained in office until the end of the year; Washington strongly representing to him that he ought not to leave office while important matters which he had in hand were still unsettled. Jefferson's pretext for resigning was a desire for rest and relief from official cares; which was doubtless true. He was particularly tired of the incessant conflict which he had been waging with Hamilton, and in which he usually got the worse. He felt personally humiliated by the Genet episode. And he felt, undoubtedly, that he was commanding steadily less and less of the confidence of Washington. The two parted good friends, however, and with sincere expressions of Washington's appreciation of the really excellent work which Jefferson had done. He was succeeded by Edmund Randolph, who had been attorney-general.

While these things were going on in our relations with France, our relations with Great Britain were almost equally unsatisfactory. The peace treaty of 1783, after all these years, was still unfulfilled. The British still held a chain of forts along the American frontier on American soil. Adams had come home with the humiliating reminder ringing in his ears that until the United States paid its debts and otherwise fulfilled its obligations it would not be worth while for it to send another minister to England. As soon as the war began between France and Great Britain, the British government showed itself equally with that of France regardless of American neutrality. Like France, Great Britain purposed to use America for her own advantage, or to sacrifice American interests whenever it would be to her profit so to do. The rise of the Gallican party here, too, and the extravagant expressions of sympathy with France, some of them made by our secretary of state, naturally gave much offense, particularly as there were no similar counter-demonstrations in favor of Great Britain. The opponents of the Gallican party were Anti-Gallicans far more than they were Pro-Anglicans. British action was directed, then, chiefly against American commerce, and in that direction it was disastrous to us.

France began with a decree of the National Convention on May 9, 1793, authorizing French warships and privateers to seize and to take to France all merchant vessels carrying provisions which were neutral property and bound for a British port. This would have meant seizure of many American vessels. But a supplementary decree on May 23 specially exempted American commerce, doubtless in the expectation of an American alliance. The reply of the British government was a similar order, signed on June 8, with, of course, no exception in favor of America. The theory of these orders was that food was contraband of war. The neutral cargoes were not, however, to be confiscated, but were to be purchased by the Government making the seizure, for its own uses; the object being to prevent the supplies from getting to the enemy. Another British order, in November, extended the scope of seizures to vessels bound for any French colony; and a third, in January following, restricted it to the French West Indies, in which, of course, American commerce was very largely concerned. Although this last order was intended to mitigate the hardships of the situation to American commerce, and although it did in fact allay much American resentment and probably obviated some harsh retaliatory measures, the commerce of the United States suffered greatly, and the American government had ground for vigorous remonstrances; which however were long in vain. Hundreds of American ships were seized, and their crews and passengers were subjected to insult, imprisonment, and other indignities. Owners dared no longer to send out ships, commerce was paralyzed, and business in the United States suffered grave depression.

At this time, as one of his last acts as secretary of state, Jefferson presented a report which he had been asked by Congress away back in 1791 to prepare, but which he had neglected. It was a report upon our foreign commerce and the means of regulating and protecting it. Its foundation was the economic doctrine of free trade, upon which he based the theory of equal trade privileges for all nations; but with retaliatory restrictions and penalties upon the trade of any nation which discriminated against our own. This report was laid before Congress in December, 1793, and, on January 3 following, James Madison, in the House of Representatives, offered a series of seven resolutions for putting Jefferson's recommendations into effect. The purpose was to bring Great Britain to terms. Her trade would suffer the same restrictions which her orders in council had practically placed upon ours. France, it was thought, would quickly make a commercial treaty with us, and Great Britain would have to do the same or else lose her American trade, which was of much value to her. This policy was, however, vigorously and cogently opposed by the representatives of American commerce, who pointed out that the effects would be more harmful to America than to England. About seven eighths of our imports came from England, and we could not so advantageously get them elsewhere. England alone could furnish the capital needed for the promotion of American commerce. To forbid our merchants to trade with England, therefore, and to compel them to turn to other markets, would be disastrous. These representations had so much weight that action upon Madison's resolutions were postponed.

Meantime, direct diplomatic relations had been established by the sending hither, in the fall of 1791, of George Hammond as the first British minister to the United States, and the sending, a few months later, of Thomas Pinckney to be the second American minister to Great Britain. It was fitting that the British minister should come hither first, because of the former failure of that Government to send a minister in response to such action by this country. Pinckney was a particularly loyal, able, and resolute man. Hammond, who had been secretary of the British Peace Commission at Paris in 1783 and afterward secretary of legation at Madrid, was expert but undiplomatic in temperament, and his natural obstinacy and arrogance were increased by his resentment at the reception which was given to Genet. He doubtless influenced his Government to proceed harshly and to issue the offensive orders in council. The work of these ministers, therefore, accomplished little or nothing toward a settlement of the issues between the two countries. On the contrary, the hardships imposed upon American commerce by the British navy, and an unauthorized but mischievous speech of Lord Dorchester's at Quebec in which he told the Indians that they would soon have an opportunity of going upon the warpath against the United States, brought relations between the nations dangerously near to the breaking point.

America was contending for Frederick the Great's principle, which Franklin had embodied in our treaty with Prussia, ''free ships make free goods,'' a principle then far in advance of the times. A recent English writer of high authority, Mr. W. E. Hall, in his fine treatise on international law, remarks upon this attitude of Washington's administration: ''The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. There can be no doubt that it was intended and believed to give effect to the obligations then incumbent upon neutrals. But it represented by far the most advanced existing opinions as to what these obligations were, and in some points it even went further than authoritative international custom has up to the present time advanced. In the main, however, it is identical with the standard of conduct which is now adopted by the community of nations.'' That is a high but well-deserved tribute, that America in 1783 set up a standard of international ethics more than a century in advance of the world at large, to which, however, all nations have since approximated. England, on the other hand, was at that time acting upon the fine old medieval theory that there could be no real neutrality, but that all who were not for her must be against her and were thus to be treated as enemies. Between these two policies there could be no agreement, and so day by day the two countries drifted apart and toward war. A demand was arising in America for reprisals against England, which, merely in the form of nonintercourse, would inevitably mean war. Now, George Washington was never a man who dreaded fighting. But he was never, either, a rash or imprudent man. He realized that America was in no condition for fighting England at that time. If we had had an adequate navy, we should have been more ready for war. Indeed, a navy would probably have so protected our commerce as to have permitted no occasion for war. So he pursued the prudent policy of seeking adjustment of affairs by diplomatic means. He determined to send another minister to England, for the express purpose of negotiating a treaty with that Government which should settle present troubles as well as the long-delayed provisions of the treaty of 1783.

On April 7, 1794, a resolution was introduced into the House of Representatives, ordering an embargo upon British commerce until such time as the British should surrender the frontier forts and pay certain heavy indemnities. The enactment of this would doubtless have meant war. The proposal passed the House, however, and was defeated in the Senate only by the casting of the vote of the vice-president, the Senate voting half for it and half against it. This menacing action moved Washington to send the treaty-seeking minister to England without delay. He wished to send Hamilton, who was of all men perhaps best fitted for it. But it was made plain to him that ratification of his appointment would be bitterly opposed in the Senate by the Gallican party, and it was doubtful if a two-thirds vote could be secured for him. Accordingly, on Hamilton's suggestion, Washington appointed Jay instead, believing that his high position as chief justice would lend weight and authority to the mission, and realizing, too, Jay's transcendent abilities and valuable experience. There was strong opposition to Jay in the Senate, based largely upon some remarks of his while he was secretary for foreign affairs under the old Confederation, and partly upon the entirely logical ground that as chief justice—for he still held that office—he might be called upon to pass judicially upon his own treaty; but he was finally confirmed, by a vote of eighteen to eight. The Gallicans throughout the country, however, publicly denounced both him and his mission up to the very hour of his departure.

Jay was confirmed on April 19, and on May 6 he received his instructions, which had been prepared by Randolph and which covered five points. He was to ask compensation for the injuries which had been done to American commerce. He was to seek adjustment of the unsettled matters under the treaty of 1783. If these two points were gained, he was to try to negotiate a general commercial treaty, on lines which were indicated; looking chiefly to an enlargement of commercial privileges and the protection of neutral property at sea. He was to make overtures to the ministers of Russia, Denmark, and Sweden, if necessary, for the forming of an alliance with them for the maintenance of neutral rights. And he was to make no treaty that would be inconsistent with our existing treaty obligations to France. Jay at once proceeded to London, where our resident minister, Pinckney, cordially coöperated with him, although he probably could not help feeling that the appointment of Jay was in some degree a reflection upon him, or at least a derogation of his importance. Jay was cordially received by Lord Grenville, and the negotiations proceeded agreeably and auspiciously. Concessions were made on both sides, and a treaty was made which Jay and Grenville signed on November 19. This famous and greatly criticised instrument provided for the evacuation of the frontier forts by June 1, 1796. England was not required to pay for the Negro slaves who had been taken out of the country. Citizens of one country were to be permitted to continue in possession of lands then held by them in the other country, and to dispose of them at will. Neither public nor private debts were thereafter to be sequestered in peace or war. Certain restrictions were imposed upon American commerce in the British West Indies, and also in the East Indies. Naval stores and in some cases provisions were made contraband of war, but provisions when seized were to be paid for. Commanders of privateers were to be put under bonds to observe the treaty. Foreign privateers were not to be permitted to use the ports of one nation against the other, either for fitting and arming or for refuge. Each country was to guard the neutrality of its own territorial waters. And, finally, there was to be extradition for the crimes of murder and forgery. This was the first extradition treaty ever made by the United States.

If there had been a storm of denunciation of Jay and his mission before he sailed for England, there was a tempest of it when the terms of this treaty became known. There came on what John Quincy Adams described as "the severest trial which the character of Washington and the fortunes of our country have ever passed through. No period of the War of Independence, no other emergency of our history since its close, not even the ordeal of establishing the Constitution, . . . has convulsed to its inmost fibers the political association of the North American people with such excruciating agonies as the consummation and fulfilment of this great national composition of the conflicting rights, interests, and pretensions of this country and Great Britain." Jay was hanged and burned in effigy in many places, North and South. Hamilton, attempting to speak publicly in behalf of the treaty in New York City, was mobbed, stoned, and narrowly escaped death at the hands of the infuriated populace. The British minister's house was threatened with sacking.

The grounds for thus raging against the treaty were several, though none seemed adequate for such extravagant demonstrations of hostility. It was objected that the date of evacuation of the forts was too long postponed, and that the surrender of the Negroes was unjust. These were, however, specific details. More important for the present purpose were the objections on grounds of general principle. It was thus contended that the prohibition of the confiscation of debts was injurious, as the United States might need to resort to that practice, or to the menace of it, for her own protection; an argument which no reputable statesman would venture to put forward at this time. It was urged that to permit aliens to own and bequeath land in this country would encourage mischief; another contention which time has repudiated and condemned. The limitations of trade with the Indies would be a hardship, while the inclusion of provisions among contraband of war would ruin American commerce.

A few specific objections were doubtless well founded. Jay himself realized very keenly the unsatisfactory nature of some of the provisions. He did not attempt, in his letter to Randolph transmitting the treaty, to justify them *per se*. His chief argument in support, or perhaps we should say in defense, of the treaty, was that it was the best that could be made at that time, and that it would be much better than none at all; both of which propositions were entirely true. Moreover, the objectionable clause about West India trade was to last for only two years, the clause about contraband did not abandon the position thitherto taken by the United States, and the privateering clauses were identical with those in treaties thitherto made between England, France, and Holland. It may be added that Jay had endeavored to secure the insertion of a clause abolishing privateering altogether, and thus anticipating the action of the powers at Paris sixty years later, but Grenville was not prepared for so radical a step. In spite of violent opposition, the arguments of Jay, supported by those of Hamilton, won the day. The treaty was ratified by the Senate by a bare two-thirds vote, of twenty to ten. The clause relating to West India commerce was omitted, and to this omission Great Britain assented.

This treaty gave occasion for another deplorable manifestation of the power of foreign intrigue in American politics. A British ship had captured some time before a letter from the French minister to America, Fauchet, to his Government, speaking of certain "precious confessions" which Randolph, our secretary of state, had made to him. This was forwarded to Hammond, the British minister at Philadelphia, for use against Randolph, to compel him either to mend his ways or to retire from the cabinet. The construction put upon that phrase was that Randolph had been involved in some corrupt intrigue with Fauchet or some one else. Hammond had the matter brought to Washington's attention, and the President gave the letter to Randolph in a cabinet meeting and asked him to read it. Randolph asked for time in which to explain it, but a few hours later tendered his resignation as secretary of state and was succeeded in that office by Timothy Pickering. Fauchet afterward gave a somewhat halting explanation of his own words, which seemed to acquit Randolph of the imputation of pecuniary corruption, though there remained no doubt that he had very indiscreetly lent himself to the French side in the pending controversies, and had shown himself unfit to be secretary of state.

There then arose for the first time the important question whether the House of Representatives was bound to provide the fiscal means for putting the treaty into effect. The treaty was made by the executive, by and with the consent of the Senate. The House of Representatives had nothing to do with it. But some of its provisions could not be carried out without appropriations of public money, and those appropriations must, under the constitution, originate in the House. Was the House under any constitutional or legal compulsion to vote them? The House took the ground that it was not thus obligated, but was free to act according to its own discretion. Accordingly, in order to secure a basis on which to make its judgment of the treaty and to determine whether or not to provide for its execution, the House requested the President to send to it all the papers relative to the negotiations of the treaty. This would obviously have been tantamount to making the House a part of the treaty-making or at least the treaty-reviewing power, and the President very properly declined to comply with the request. Thereupon ensued a protracted and animated debate, lasting for three weeks and covering the general relations of Congress to the treaty-making power. Madison, Gallatin, and others vigorously opposed the President's attitude and insisted that he must obey the mandate of the House. The deciding speech in favor of the treaty was made by Fisher Ames, who was an invalid and forbidden by his physician to speak at all, but who made on this matter perhaps the greatest address of his life. Finally three votes were taken. The first and second, on the question of approving the treaty, were tied and were decided for the treaty by the vote of the speaker, Jonathan Dayton of New Jersey. The third, directing the House to carry the treaty into effect, was carried, because of a few absences, by fifty-one to forty-eight. There followed a popular storm of wrath against Jay, and even against Washington himself, but the treaty stood. It saved us from war with England, for which we were unprepared, and it settled a number of vexatious controversies which had already dragged on too long.

While there was legitimate ground for dissatisfaction with some provisions of the treaty, there was no possible justification for the wild and savage brutalities of the campaign against it, which would have been more befitting the Reign of Terror in the days of Marat and Robespierre than the United States under George Washington. The chief reasons for these monstrous outbreaks were two. One was the unfortunate prevalence of the spirit of faction which then rose higher than ever before in our history, which was ready to sacrifice national interest to party advantage, and which was incited and intensified by foreign intrigues, suggestions, and subsidies—for under Jefferson and Randolph a clerk in the state department was regularly subsidized by France to write and publish lampoons and libels upon Washington himself. The other reason was that the American people had not yet come to the point of thinking diplomatically. They had not yet got rid of the habit of either taking their foreign policy readymade from some European power or else doing as they pleased without regard to the wishes or even the rights of others. They had still to learn the great lesson that there are two sides to every international dispute, that generally diplomatic dealings are processes of give and take, and that a treaty is a mutual contract between two equal powers in which each party must receive a *quid pro quo.* It was our first essay in important treaty-making, at least of what we may call a business treaty, and it was not surprising that we showed ourselves unused to the process. Looking back at it from this distance, it is impossible to deny that with all its faults the treaty was beneficent and that the negotiation of it was by no means the least of Jay's great services to the young republic.

As already observed, Monroe, our minister at Paris, had tried to embarrass and defeat Jay in his negotiations of this treaty at London, and when he learned that in spite of him Jay had succeeded, he denounced the treaty in violent terms. In September, 1795, following the ratification and execution of the treaty, Mr. Pickering, who had then become secretary of state, sent to Monroe a letter designed chiefly for the French government, in which he defended the treaty, and especially argued that it did not proceed from any predilection for Great Britain—which was true enough—and that it was not meant to be and would not prove to be inimical or detrimental to France. In this latter contention Pickering was probably sincere. Nevertheless the treaty was generally regarded, both here and in Europe, as a serious blow to France. The French government so regarded it, and, partly for that reason and partly out of resentment at the recalling of Monroe, practically broke off diplomatic relations with this country. In his farewell address to Monroe the President of the French Directory uttered studied insults to the United States, speaking of ''the condescension of the American government to the wishes of its ancient tyrants''; and Monroe was warned that no successor to him would be received until the United States made reparation for the injuries which it was charged with having inflicted upon France. In September, Charles Cotesworth Pinckney was accredited as minister to France, but, true to its threat, the Government refused to receive him, it grossly insulted him, placed him under police surveillance as a suspicious character, and finally compelled him to quit the country and retire to Holland. In October, P. A. Adet, the French minister to America, was recalled. Then the French government entered upon a systematic course of aggressions against America. Decrees were issued, directly intended to harass and destroy American commerce. Neutral ships carrying an enemy's property were to be seized. An enemy's goods on a neutral ship were to be confiscated. The American principle of ''free ships, free goods,'' was scouted. The treaty of 1778 between France and America was arbitrarily treated as if modified so as to conform with the French interpretation of Jay's treaty with England; quite regardless of the fundamental fact that a treaty is a contract between two parties and can be modified only with the consent of both. The French government was obviously doing its utmost to provoke war.

Meantime we had also been having trouble with Spain. The Congress of the Confederation had abandoned negotiations with that country in despair and had remitted the whole tangled web to the new Government under the Constitution. Not the least ominous feature of the case was the rising discontent and disloyalty in the Southwest, in Kentucky and Tennessee; feelings which were partly inspired by a real fear that the interests of that region would be sacrificed by the Eastern States in abandonment of the right to navigate the Mississippi, and partly by the influence of Spanish gold. Wilkinson, Sevier, O'Fallon, McGillivray, and other unhanged traitors and scoundrels, with pockets filled with Spanish subsidies, were busy organizing secession, inciting the Indians to war, and in general committing all possible deviltry. In 1790, Tennessee was ceded by North Carolina to the Federal Government, and two years later Kentucky was admitted to the Union as a new State, and these acts allayed the trouble in a measure.

In 1791, the Spanish government intimated to Jefferson that it was desirous of renewing negotiations for a settlement, and Jefferson accordingly sent Short, who was our chargé d'affaires in France, to proceed to Madrid and join Carmichael, our chargé there, to form a commission for the negotiation of a treaty, which was to deal with the navigation of the Mississippi River, the Yazoo lands and the Florida boundary, and the return of fugitives. The Spanish government at first delayed to act, and then appointed as its negotiator Diego de Gardoqui, who had conducted the futile negotiations with Jay, years before. This appointment defeated the negotiations in advance. Gardoqui arrogantly declared that he was ready to make a treaty on the lines of that proposed in 1786 and no others. For a year the two parties were in a deadlock, and then Carmichael became disgusted, abandoned the task, and came home.

It was during these negotiations that Genet came to the United States. As France was then at war with Spain, a part of his scheme was to organize here expeditions for the invasion and conquest of Florida and Louisiana. Three expeditions were planned by him and several thousand men were recruited. Two of them collapsed as soon as Genet was repudiated by his Government, but the third gave promise of achievement. It was led by George Rogers Clark, the hero of our revolutionary conquest of the Northwest. He had offered his services to Genet for an attack upon New Orleans, and had been commissioned by him an officer of the French army. A really formidable movement was under way, when the arrival of a new French minister in 1794 changed the policy and halted operations.

Washington realized by this time, however, how strong were the feelings of the West and what danger there was of alienating that region from the Union, and he accordingly resolved upon more strenuous diplomacy. He shifted the able and resolute

Thomas Pinckney from London to Madrid as our minister, and instructed him to make if possible a treaty covering merely the navigation of the Mississippi and the Florida boundary. Pinckney had to deal at Madrid with the notorious Godoy, "The Prince of the Peace," who had just made peace with France and who was the real ruler of Spain. At first all went well. Then Godoy began to procrastinate and delay negotiations in every possible manner. For a year matters were at a standstill. Then one day Pinckney gave warning that if negotiations were not at once resumed and pushed to a conclusion, he would demand his passports. This brought Godoy to terms, and in October, 1795, the treaty was made. Under it the boundary of West Florida was fixed at the thirty-first parallel of latitude, according to the American contention; and the United States was permitted to navigate the Mississippi freely, to the Gulf, and to use New Orleans as a port of deposit and transfer from river to sea-going craft. In brief, Pinckney gained all that had been asked by this country. As a result incipient treason and secession in the Southwest were quickly snuffed out. Washington had written in 1790 that the United States wanted in that quarter "scarcely anything but the free navigation of the Mississippi, which we must have and as certainly shall have if we remain a nation." In fact Pinckney, in one of the most brilliant achievements of our early diplomacy, had gained more than that; for, exceeding his instructions, he included in the treaty important commercial provisions, and a pledge from Spain to cause no more troubles among the Indians.

One other incident of inestimable importance marked the course of these negotiations. At one time there was a not unfounded apprehension that Great Britain might seize some of the Spanish territory adjacent to the United States. At that, Jefferson instructed Gouverneur Morris to intimate to the British government that "we should contemplate a change of neighbors with extreme uneasiness," and that "a balance of power on our borders is not less desirable to us than a balance of power in Europe has always appeared to them." In all his career Jefferson never made a wiser or more statesmanlike utterance than that. It was really one of the great landmarks of American diplomacy. It foreshadowed the later declarations of our

Government concerning Louisiana, Florida and Cuba, the Monroe Doctrine, and the Polk Doctrine. At the time it passed with little notice, but in after years it loomed into commanding proportions.

In May, 1796, a convention relating to the Indians was concluded with Great Britain. In September, 1795, a treaty nominally of peace and amity was made with Algiers, and in November of the following year one of peace and friendship was made with Tripoli; but both of these latter were little more than agreements to continue paying to those piratical powers the blackmail which we were not yet strong enough at sea to refuse. Beyond these there were no other diplomatic transactions of moment in Washington's administration. But those which we have recounted were sufficient to make it forever memorable. The great foundation stones of our foreign policy were laid: independence, neutrality, the freedom of the seas, complete separation from European politics, and the dominance of the United States on the North American continent. Well might Washington, who was supremely to be credited with these achievements, write as he did to Pickering: ''I have always given it as my decided opinion that no nation had a right to meddle in the internal concerns of another; that every one had a right to form and adopt whatever government they liked best to live under themselves; and that if this country could, consistently with its engagements, maintain a strict neutrality, and thereby preserve peace, it was bound to do so by motives of policy, interest, and every other consideration.'' That policy was founded by Washington and was maintained inviolate by him for transmission to his successors and to his country for all time.

VIII

THE CRISIS OF NATIONALITY

THE first eight years of our national life under the Constitution, the two-termed administration of our first President, and also the first fourteen years of independence and peace, were thus completed. Through them the United States had attained an improved though not yet altogether satisfactory position among nations, and it had made itself the conspicuous protagonist of principles of international law so advanced and exalted as to command the wonder and the not always ungrudging admiration of the world. But its position and its policies were by no means confirmed beyond dispute or challenge. Spain, perhaps, though she was our oldest and most constant enemy, conceded our just status more fully than any other. But she did so against her will, being in her decadence and unable effectually to resist our rising power. Great Britain gave us a partial acknowledgment, and had probably a more just appreciation of this country and of its assured destiny than any other. But, with a characteristic combination of conservatism and arrogance, she persisted in arbitrarily imposing upon us her own rules and practices. France, for twenty years at least our nominal ally and often hailed with unthinking enthusiasm as our one friend, scarcely acknowledged our national and international status at all, and was actually beginning to wage war against us to subvert that status and to make us if possible subservient to her own selfish interests. These three powers had almost a monopoly thus far of our foreign relations, as indeed they had had from the beginning of our history. We had commercial conventions with a few others. With the bulk of the world we still had no formal and official relations whatever. We had made no treaties with and sent no ministers to a majority of the powers. Our commerce with them was increasing, however, and to some countries we had sent consuls without having treaties, under a sort of unwritten common law of the world.

Nevertheless we had accomplished much. There is no exaggeration in saying that we had done as much in foreign as in home affairs; we had done as much in organizing foreign relationships and establishing foreign policies as we had done in the development of constitutional principles at home and the promotion of domestic prosperity. We had in these years established, though the fact was not altogether recognized at the time by the world, the great fundamental principles upon which all subsequent extensions and developments of external relationships and policies have been based. In all the more than a century of foreign relationships which remains for us to consider, we shall find scarcely a single new principle, but merely a further working out of the principles of Washington's administration. The first of these cardinal doctrines was that of impregnable independence, and the equal sovereignty of the United States with any and all other nations of the world. France more than any other had striven to deny and to prevent this, and to make us a mere dependency upon her. But we had wisely and indeed necessitously insisted upon fulfilment of the Declaration of Independence. We were no *quasi*-state, no dwarf or cripple, no mere probationer on sufferance. We were a full-fledged, full-grown nation, possessed of all the functions, powers, and rights of national sovereignty, the peer in legal standing of any other nation in the world; inalienably endowed with full powers, in Jefferson's pithy phrase, "to do all acts and things which independent States may of right do."

The second doctrine was neutrality, which was a far greater novelty, both to America and to all other powers. Thitherto every nation had instinctively, as a matter of course, inclined toward one or the other belligerent in every war, so that a war between two considerable powers often meant war among all and generally meant the division of the world in sympathies. And certainly never before in history had the American States been neutral in any war in which Great Britain, France, or Spain was concerned. We had therefore at this time our first subjective experience in the exercise of neutrality, a strange and unwonted thing to us, and it is not to be wondered at that we did not at first know how to exercise it aright. At the same time we set to the world the great objective example of a power thus practising neutrality in the face of exceptionally strong motives to do otherwise. Seldom had any country resisted so strong temptations, urgings, threats, and what not, to array itself on the side of an alien belligerent. The world stood astonished at the measure of our resistance and forbearance.

The third great doctrine may be described in a much misused word as Americanism. These States began to realize that they were indeed a new nation and no longer a colony or an appanage of any kind, and that therefore they had their own set of interests which were quite separate and different from those of European nations. That did not mean that our interests were antagonistic to theirs. But we had our own way to pursue, our own institutions to develop, and we were to do these things ourselves, without the aid, the meddling, or the duress of any foreign power. The principle of neutrality forbade us to intervene in the affairs of Europe, and so, equally, the principle of Americanism forbade Europe, or constrained us to forbid Europe, to intervene in any of our affairs. Europe was no more to use this continent as a fighting ground in her wars, and she was no more to manipulate our politics, our laws and customs, our commercial and fiscal systems, for her advantage.

Fourth, there was the doctrine of the freedom of the seas and the application to naval warfare of a measure of the international law which prevailed in warfare on land. That was expressed in the historic phrase, ''free ships, free goods.'' It is true that this doctrine did not originate with us, but it was because of America that Frederick the Great first put it forward, and other European powers nominally inclined themselves toward its adoption. It was embodied in one of our earliest treaties, and it was certainly and altogether in respect of American commerce that the principle was first practically tested. A fifth doctrine was that of the arbitration of international disputes, which in our day has arisen to a predominant place in the affairs of the world at large. Franklin and Hamilton were the earliest advocates of this principle in its modern form. It is true that international arbitration was frequently practised by

Greece, Rome, and other nations in classic times, and by European States in the Middle Ages and later. It is equally true that arbitration in the form in which it became so effective during the nineteenth century was practically introduced to the world in two of the earliest American treaties, namely, Jay's treaty with Great Britain and Pinckney's with Spain. We may add the sixth principle, of extradition of criminals from one country to another, which also was established in Jay's treaty. In the century and a quarter which has elapsed since the administration of Washington began, no new principle additional to these has been established. All our vast development of international relationships has been merely a logical enlargement of the superstructure which rests upon this foundation.

Not less in importance than these principles themselves, perhaps, was the growth of the American spirit of legitimate self-consciousness, or of realization of these things. It is true that faction was strong, too strong; and it seemed to be increasing in strength and virulence. But it was running an acute course, and was rapidly approaching a crisis which would end its pernicious activity. It rose to a higher and more dangerous pitch in Washington's time than ever in our day—I mean factionalism in our foreign relationships—and it reached its culmination in the succeeding administration of John Adams. Never since then—save perhaps in a few isolated and not highly important cases—has it exerted a serious influence upon our diplomacy. And even when its madness rose to its most menacing height the people, though unconsciously, were coming to realize that the nation must be sufficient unto itself. They continued and might continue to disagree upon some details of foreign policy. But they began to agree that whatever our policy was, it should be dictated by and based upon our own interests and not those of any foreign power; then, that whatever policy was adopted by the administration in power should be loyally supported by the whole country, so that however divided we were at home we should present a united front to the rest of the world; and finally that our foreign policies should be, in their essential principles, continuous and unaffected by the changes of domestic politics.

The best expression that has ever been made of this dawning philosophy of American foreign relationships was made by

Washington in his farewell address, at the close of his administration. We need not trouble ourselves with the question how far that utterance was his own composition, or to what extent it was prepared for him by Hamilton or inspired by Jay. The dominant sentiments of it were characteristically his own; expressed by him in fragmentary form on many occasions years before; and if they were also cherished by Hamilton and Jay, it is no secret that those three great men were to an exceptional degree in accord upon nearly all governmental principles. The address is hortatory and advisory in tone, and in that capacity was no doubt needed. But it was also, though perhaps unconsciously, a definition and a description of the status which the country had already attained and of the attitude which under Washington's supreme leadership it had already assumed toward the nations of the world. At the beginning of his administration it would have been incongruous, unappreciated, incomprehensible to the people, and might even have provoked antagonism and resentment. At the end of it, it was appropriate, appreciated, and acceptable; itself the inspiring measure of the progress which had been made in those eight years of storm and stress. It will be enlightening and profitable for us to recall some of its salient passages:

"For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. . . .

"Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. . . .

"In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave of its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. . . .

''Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes an instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. . . .

''The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests, which to us have no, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

''It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

"Harmony, liberal intercourses with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed—in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard."

Such was the foreign policy of Washington. Such was the policy which he impressed upon the nation in its infancy, and bequeathed as a priceless legacy to its maturer years. There can be no doubt that it was accepted, fully, completely, and loyally by his successor, and that its continuance and maintenance were sincerely undertaken. They were, indeed, in the end effected; but only after the most violent crisis and the most discreditable eruption of factional fury in all our history.

John Adams intended and honestly strove to continue the foreign policy of Washington. But unfortunately he was not another Washington, either in his personal qualities or in the regard of the nation for him. We may unhesitatingly concede that he was as honest as Washington. His bitter enemy, Jefferson, declared that God never made a more honest man. He was also as fearless, as resolute, and as patriotic as Washington himself. But he was singularly devoid of tact, vain and sensitive to an extraordinary degree, irascible, and quite unable to be a leader or a manager of men, or to curry favor with the individuals or with the populace. In his attitude toward the two parties into which the nation was divided he at first strove to be impartial. He endeavored to disarm the suspicion of inclination toward a monarchy by showing special consideration for Jefferson and the Anti-Federalists; but in the end he was bitterly antagonized and assailed by them. Nor could he command the support of the Federalists, for between him and Hamilton, their leader, there arose implacable enmity, which resulted in the defeat and practical extinction of that once great party. No man ever possessed less of the arts of a politician than Adams, and none ever possessed them all in a higher degree than Jefferson, and the result of the partizan strife between them was therefore a foregone conclusion. Moreover, the people at large felt toward Adams little of the reverence which most of them cherished for Washington. They felt no restraint in attacking him, any more than in attacking any other public man of the day. With his accession to the Presidency, therefore, a profound, significant, and permanent change came over the spirit of American politics, which affected foreign as well as domestic affairs.

In his attitude toward England and France, and therefore toward the chief issues of foreign policy, Adams was notably impartial; probably the most impartial statesman in America. He was himself of English ancestry, and was profoundly imbued with the characteristic English spirit. His natural sympathies were with England and English institutions, principles, and policies. Yet for many years he had cultivated intense opposition to England. He had suffered neglect and insult for three years as our scarcely recognized minister to that country. He had become convinced that the English government was unrelentingly hostile to America and meant if possible to compass our destruction. Therefore, while he scouted with contempt the notion that we owed France eternal gratitude for our independence, he was well fitted to hold the balance true between these two powers. Neither of them, to his mind, was our friend, but with neither of them should we quarrel and fight, if it was possible to avoid doing so. He had bluntly told King George to his face that America was the only country for which he cared, and he was convinced that the supreme welfare of America required that we should keep the peace. This was for two reasons. One was that we had no navy fit to compete with that of England or France, and for a nation thus unarmed to engage in war would be folly. The other was, that a war with one of the two countries named would mean an alliance with the other, and he had from the beginning been the resolute opponent of European alliances of any kind. The one paramount motive of his foreign policy was, therefore, to keep the peace; a difficult task when half of the nation was clamoring for war with one country and the other half was clamoring for war with the other country. But so transparent was Adams's honesty and so manifest was his high and noble purpose that Jefferson himself was constrained to say of him: ''I do not believe Mr. Adams wishes war with France, nor do I believe he will truckle to England as servilely as has been done.''

At the very beginning of Adams's administration, however, war with France seemed inevitable. That country, in its refusal to receive our minister, Pinckney, and in the scandalous manner of that refusal, had added insult to injury. That we did not promptly declare war against her indicated either our military or naval impotence or an almost superhuman degree of patience and forbearance. In fact, it indicated both. But certainly the circumstances were most embarrassing to Adams; particularly when, soon after his inauguration, a full report was received from Pinckney, relating that the French government had threatened to arrest him as a criminal for remaining in that country without its permission. Adams turned to his advisers, the cabinet, which he had received from Washington and had retained without change. Pickering was secretary of state, Wolcott of the Treasury, and McHenry of the war department. They were able and patriotic men, but not in sympathy with his policy nor attached to him personally, and he got little aid or comfort from them. Thrown upon his own resources, he at first tried to emulate Washington's plan. Washington had withdrawn Gouverneur Morris from the French mission because he was unacceptable to the revolutionists, and had sent the rabid Gallican, Monroe, in his place. Now Adams thought of similarly replacing the sturdy Federalist Pinckney, who was unacceptable to France, with some conspicuous Anti-Federalist and Gallican. His first choice was Jefferson himself, but Jefferson was vice-president and therefore could not go. His next choice was Madison, with whom he would have sent Hamilton as a colleague; but Madison would not go, preferring to remain here to promote the progress of the Anti-Federalist party, in which he was Jefferson's first lieutenant. Unfortunately the secret of these deliberations was betrayed to France, and as soon as it was known there that neither Jefferson nor Madison would be sent, and there was no hope that Monroe would be returned, there was a fresh accession of anti-American brutality, and the Directory issued against American shipping and commerce a still more hostile decree than any which had been made before. Bonaparte was winning his great victories in Italy, and France was drunk with military pride; and America had no navy. Why should America have any rights which France was bound to respect?

In these circumstances Adams called Congress together in special session. It met on May 15, 1797. His address to it at its opening was as temperate yet as forceful and dignified as Washington himself could have made it. He resented the French insults to America at the time of Monroe's leave-taking. He declared that for France to refuse to receive Pinckney until we had acceded to her demands without discussion and without investigation of them, was "to treat us neither as allies, nor as friends, nor as a sovereign State." He noted the offensive attempt of the French government to discriminate between the Government and the people of America, and insisted that there should never be a time when the nation would fail to support its chosen agents in foreign negotiations. Nevertheless, it was his sincere desire to keep the peace with France as with all nations, and therefore, believing that neither the honor nor the interest of the United States absolutely forbade the repetition of friendly overtures to France, he would institute a fresh attempt at negotiation. At the same time the depredations which France was committing upon our commerce, the personal injuries which were being inflicted upon our citizens, and the general complexion of affairs rendered it his indispensable duty to recommend to Congress the consideration of effectual measures of defense. The measures suggested by him comprised an increase of the regular army in artillery and cavalry, the enlistment of a volunteer army, and the prompt construction of an adequate navy. Indeed, Adams was—he had been long before this date—the first great advocate of the development of American power at sea.

There could have been no wiser or more worthy policy than this, but unfortunately Adams was not a sufficiently tactful and politic leader of men to execute it with facility, and the spirit of faction was too perniciously active to permit him to have the undivided support which he deserved. The Anti-Federalists were unsympathetic, while the Federalists were divided among themselves into two factions, neither of which gave him loyal support. Adams's plan was to send a commission of three eminent men to France. One of them must be Pinckney, to vindicate him against the scandalous treatment which he had suffered. The second was John Marshall of Virginia, also a Federalist. For the third place another Federalist, Francis Dana of Massachusetts, was selected, but he declined it, and Adams thereupon offered it to Elbridge Gerry of Massachusetts, who was an Anti-Federalist and friend of Jefferson. This division of the commission between the two parties was vigorously disapproved by the cabinet; six Federalist senators voted against confirming Gerry; and the alienation of Adams from the Hamiltonian majority of the Federalist party was intensified. Meantime Congress acted upon the President's recommendation. In order to restrain warlike passions an act was passed forbidding privateering in advance of a declaration of war, and an order was issued forbidding the arming of merchant ships. The exportation of arms was also forbidden. On the other hand bills were enacted for the enlistment of an army of 80,000 volunteers, for the fortification of our harbors, and for the completion and heavy arming of three frigates, the building of which had been begun in view of our troubles with the Barbary pirates. It is interesting to recall that the equipment of these vessels excited much merriment and ridicule in France and England; still more interesting when we remember that these three frigates were the *United States,* the *Constellation,* and the *Constitution.* Thus the nation strove to keep the peace, prepared for war, and awaited the result of its extraordinary mission to France.

France was at that time still under the Directory, the authority of which, however, Bonaparte was beginning to undermine. The minister for foreign affairs was Bonaparte's close friend, Talleyrand, one of the shrewdest but most unscrupulous and dishonest of men. The French government, flushed with the military successes of Bonaparte, had already begun a course of arrogance and oppression toward all European States which were weak enough to make such a policy safe. As for the individual members of the Government, they were habitually practising blackmail, extortion, bribery, and every form of pecuniary corruption which would line their pockets with unclean gold; both States and individuals being their victims. Chief among the practitioners and beneficiaries of this sordid scoundrelism was Talleyrand himself, and since France was already practising oppression against America with impunity, he determined in addition to try blackmail and extortion.

The three commissioners reached Paris early in October, 1797, and presented their credentials to Talleyrand. He received them civilly enough, and for a few days all seemed to be going well. Then Talleyrand declined further personal intercourse with the commissioners and sent to them in his stead three agents as his representatives. These men began by dwelling upon the difficulties to be overcome in reaching an adjustment of affairs. The President's address at the opening of Congress had given offense and must be apologized for or explained. Then, France was in need of money for public uses, and would expect a large contribution from America. Finally, if the negotiations were to continue, a gift of $240,000, to be divided personally and privately among the members of the Directory and Talleyrand, would be necessary. This demand for a bribe the American commissioners curtly rejected. They were, they said, neither empowered nor disposed to bribe the members of the Government to which they were accredited. They then, repressing their indignation and disgust, proceeded to deal with the other proposals. America could not make a loan to France, because that would be a violation of the principles of neutrality which had been proclaimed and which this country intended to maintain. The three Frenchmen interrupted them with blackmailing menaces. Let America remember, they said, the fate of the Venetian republic. Let her remember that the diplomacy of France had formerly reached and could again reach to the internal affairs of America; to incite a conflict between domestic factions and to change the character of the Government itself. The Americans were reminded that they had no navy and that their coasts were defenseless. They replied that to ravage our coasts would be a very different thing from subduing and destroying the nation.

Thus the bickering went on, until at last one of the Frenchmen exclaimed, "Gentlemen, you do not speak to the point. It is money; it is expected that you will offer money." The Americans replied that they had already definitely answered that point. "No," said the Frenchmen, "you have not. What is your answer?" "It is," replied the Americans, "no; and no; and again, no! Not a single sixpence." "We will spend millions for defense," said Pinckney, "but not one cent for tribute."

That ended the matter. On November 1 the American commissioners determined to have no further intercourse with the three Frenchmen. They prepared, however, a complete statement of the American case, which was written in vigorous language by Marshall, and sent it to Talleyrand, for him to communicate to the Directory. This was about the middle of January, 1798. Talleyrand paid no attention to it for two months. Then he sent an insulting and contemptuous reply. He had the effrontery to charge America with deliberately delaying proceedings and prolonging the misunderstanding, and with selecting envoys who were known to be prejudiced against France—both wanton falsehoods. He declared that Jay had been sent to negotiate with England because he was known to be a partizan of England, which also was not true; and he asked why a partizan of France could not have been sent to that country. In conclusion he said that he desired to continue the negotiations, not with Marshall and Pinckney but with Gerry alone. That was discourteous to Marshall and Pinckney, but it was an unspeakable insult to Gerry, since the plain intimation was that he was expected to betray his country by yielding to the corrupt proposals of Talleyrand. The reply of the commissioners was that they must negotiate together or not at all. Marshall then demanded his passport, which was grudgingly given to him. Pinckney got permission, which was given still more grudgingly, to spend some time in the south of France for the benefit of his daughter's health. Gerry decided to accept Talleyrand's invitation to remain in Paris, but said that he would do so merely as a private citizen. His colleagues protested against this course, but in vain. Gerry was made by Talleyrand to believe that there was danger of a declaration of war, which his presence there might avert, and he doubtless thought that he was performing a patriotic service in remaining. In that, however, he was mistaken. Talleyrand wanted him to stay solely in order through him to carry on further intrigues with the Anti-Federalist party and to exert a mischievous alien influence in American domestic politics. At home his staying there was much condemned, and the President, although his close personal friend, angrily ordered him to return to America at once. He was able to vindicate his integrity of purpose, but his judgment was fatally discredited.

Early in March, 1798, Adams received and laid before Congress a report of all that had occurred down to the sending of the three commissioners' statement to Talleyrand. This disclosure roused the war spirit of the Federalists, and a demand arose, led by Pickering himself, for an immediate declaration. Adams, however, resolutely opposed it. To declare war would probably mean, he said, to sacrifice the lives of the three commissioners who were still in France. The demand for a bribe and the other insults were monstrous—to nobody could they be more offensive than to Adams himself—but they would not justify a weak and unprepared nation in declaring war. Our true course was to wait, and to let France declare war if she would; and in the meantime, to prepare for hostilities. Fortunately, Hamilton approved these views and thus far gave Adams his support. Many of the Republicans, as the Anti-Federalists now called themselves, took the same stand. Jefferson and the majority of his party, however, strongly opposed the President, whose message he denounced as "insane." He proposed to adjourn Congress until passions had time to cool, but in this he had no support. He incited his followers in Congress, however, to challenge the correctness of Adams's report that there was no hope of further negotiations.

Then Hamilton instigated a master stroke. He had some of his followers in Congress propose a resolution, which was adopted, demanding to see the original correspondence relating to the negotiations with Talleyrand's three bribe-solicitors. Nothing could have pleased Adams better. On a former occasion Washington had refused such a demand, as he had a right in his discretion to do. Adams had the same right, but he chose, with grim satisfaction, to comply with the demand; merely withholding the names of the three agents and designating them instead as Messrs. X., Y., and Z. Otherwise the monstrous story of insult and blackmail was laid before Congress and published to the whole country. The effect was electric. A tidal wave of amazement, indignation, and wrath swept over the country, against the venal French government. Adams was the hero of the hour. Republicans and Federalists alike rallied to his support. Only Jefferson himself and a few extreme Republicans held aloof. The national anthem, "Hail, Columbia!" was written as a war-song against France, and was sung on every hand; as was also "Adams and Liberty," set to the music now known as "The Star-Spangled Banner."

Congress rose to the emergency and enacted twenty laws for strengthening the national defense and preparing for war. One of these created the navy department. Others provided for the building or purchase of twelve new warships, for the arming of American merchantmen and authorization of their self-defense, and for the seizure by our navy of all French vessels which interfered with our commerce. There was no declaration of war, but the navy and all American merchant vessels were authorized to seize French privateers and even French naval vessels. Finally, Congress on July 7, 1798, abrogated the existing treaties with France, and we were thus no longer even nominally in alliance with a European power. Before the end of the year we had more than a score of efficient naval vessels at sea, making stern retaliation upon France for her depredations upon our commerce. The frigate *Constellation,* one of the three of which the French had made sport, began the work by attacking and capturing a French frigate, *L'Insurgente,* and before normal relations were restored no fewer than eighty-four French vessels were captured. Despite all this, however, France did not declare war against us, a fact which demonstrated that she was unprepared for such a war and that the threats of it which Talleyrand had made to Gerry were mere pretense. Steps were also taken for enlarging the American army, and Washington came out of retirement to assume supreme command; but the chief result was a discreditable dispute over precedence among the three major-generals, which led to the further disruption of the Federalist party and deepened the hostility of Hamilton toward Adams.

Marshall arrived in this country in June, 1798, and laid before Adams full details of the remainder of the case. Adams thereupon peremptorily summoned Gerry home and sent another message to Congress reporting that fact and its circumstances, and adding: "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation." He was and has since been criticized for that utterance. It did savor a little of rodomontade and probably was unnecessary. But there can be no question that there was ample provocation for it. Indeed, the amplest justification for it presently came from France itself. The government of that country was engaged in too many European wars to relish adding an American war to the list, and therefore, finding that neither by cajoling nor by bullying, neither by bribery nor by blackmail, was America to be made subservient to its wishes, it presently decided to change its tactics and treat this country, in Adams's words, as "a great, free, powerful, and independent nation."

An intimation to that effect was made to Gerry, and he reported it on his arrival here, but little attention was paid to him. Then occurred the extraordinary "mission" of Dr. Logan, a Philadelphia Quaker and political follower of Jefferson, who went on his own initiative to Paris and entered into negotiations with the French government. He pleaded strongly for peace, told Talleyrand how much damage his policy had done to the reputation of France in America, and persuaded him to release some American prisoners. The man doubtless meant well; he was well received in Paris, and he succeeded in effecting some good. But he was severely criticized at home by those who recognized the potential dangers of that sort of unauthorized and unofficial meddling in diplomacy. Washington treated Logan with studied contempt and said that if France really wanted peace, as Talleyrand had assured Logan, she could get it by stopping her seizures of our ships. A bill was enacted by Congress forbidding any private citizen thus to enter into communication with a foreign government. But Adams, in his earnest desire for peace, treated Logan with some consideration, listened to him, and credited the assurances of peaceful intentions which he conveyed from Talleyrand.

In that Adams was doubtless right, as the prompt sequel showed. Already Talleyrand had begun practical efforts to reconciliate America and to secure the resumption of diplomatic relations. Under his instructions, M. Pichon, the French minister to Holland, sought intercourse with William Vans Murray, the American minister there, and intimated to him that the French government would properly receive another American minister if one were sent. Murray reported this to Adams, in October, and the President conveyed the news to the members of his cabinet, together with a list of questions on which he wanted their advice or opinions, as a guide for his address to Congress at its reassembling. The principal questions were, whether he should recommend a declaration of war, and whether he should say that he was ready to send a new minister to France on satisfactory assurances that he would be well received. Pickering and the other members of the cabinet, being intensely anti-French, called a conclave of their Federalist friends, including Hamilton and Pinckney, and prepared a draft of the address which they desired him to deliver to Congress. This draft pleased Adams so well that he used it as it stood with the exception of a single clause. That, however, was one of the most important. The draft as prepared by the caucus declared that to send another minister to France would be an act of humiliation, to which the United States ought not to submit, save in a necessity which did not then exist; adding that if France should send a minister he would be "received with honor and treated with candor." Adams struck this out and instead spoke as follows:

"But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone insure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option. But to send another minister without more determined assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must therefore be left to France, if she is indeed desirous of accommodation, to take the requisite steps.

"The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted upon our commerce, and to do justice in the future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give pledge to France and to the world that the executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the Government, and of the people of the United States. But considering the late manifestations of her policy toward foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that, whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give us an equal treaty and insure its observation."

These were worthy and statesmanlike utterances, but they did not please the extreme Federalists, who wished to provoke France into declaring war, and the making of them widened the breach between the President and his party. But he was resolute. Advices from Murray confirmed his belief that France was ready to negotiate, and at last, in February, 1799, Murray sent an official despatch from Talleyrand to Pichon, explicitly saying that if the United States would send another minister to negotiate for the settlement of the differences between the two countries, he would be ''received with the regard due to the representative of a free, powerful, and independent nation.'' This was a fine vindication of Adams's message to Congress in the preceding summer, with its threat not to send another minister until he had received the precise assurances which Talleyrand now gave, and also of his later policy in his address to Congress as well as in listening to Dr. Logan. On February 18, 1799, therefore, he sent to the Senate the nomination of William Vans Murray to be minister to France as soon as the French government should give public and official assurances that it would properly receive him and would appoint a minister of equal rank to treat with him.

At this the Federalist enemies of the President were furious. The secretary of state himself declared that they were all ''shocked and grieved.'' Another, Sedgwick, the speaker of the House of Representatives, declared that ''had the foulest heart and the ablest head in the world been permitted to select the most embarrassing and ruinous measure, perhaps it would have been the one which has been adopted.'' The Federalist senators determined to vote against Murray's confirmation, and were doubtless able to defeat it. Thereupon Adams withdrew it and substituted the nomination of a commission of three, consisting of Murray, Oliver Ellsworth, the chief justice of the Supreme Court, and Patrick Henry. On account of his advanced age Henry declined, and W. R. Davis, Governor of North Carolina, was substituted. The three nominations were then ratified by the Senate, strangely enough Murray being the only one who obtained a unanimous vote.

Early in May, 1799, Talleyrand formally and officially gave the assurance which Adams had stipulated, but unfortunately, in his irritation, coupled with it some insulting references to what he deemed the disingenuousness and captiousness of the Americans. This gave Pickering and the others a chance to work for delay. They at first urged that Talleyrand's assurances were not satisfactory. Adams overruled this and ordered the instructions for the three envoys to be prepared. Pickering deliberately delayed doing so until, more than a month later, there was a change of government in France which put Talleyrand out of office; whereupon Adams himself assented to further delay. At the middle of October the cabinet and its allies, led by Hamilton himself, made a final effort to prevent the sending of the mission. But Adams quietly took the matter into his own hands, overruled his secretaries, and ordered a frigate to be detailed to convey the commissioners to France. They set sail on November 5.

When the envoys reached Paris they found a most salutary change in the French government. The Directory had fallen and Bonaparte was supreme. They were promptly and courteously received and negotiations were begun. These were not expeditious. The French government was overwhelmed with business, and the American question was intricate and formidable. Nevertheless steady progress was made, and on September 30, 1800, the treaty was signed and Davis brought home its text for ratification. The treaty did away with the old treaty of 1788, which bound America to France as an ally, and which our Congress had already voted to abrogate. But in return for that concession Bonaparte insisted upon our releasing France from all responsibility for the American vessels which had been seized. This was unsatisfactory to America, but it was accepted. The Senate, under Federalist control, ratified the treaty for a term of eight years and reserved the right subsequently to claim indemnity. But a year later, when the Federalists were out of power, the treaty was ratified unconditionally. France, of course, never paid for the vessels she had seized.

The formal war was averted and the informal but destructive war which had been raging for two years was ended. It was a noble achievement. Adams himself regarded his sending of the mission to France as the most meritorious and disinterested action of his life, and desired that upon his tombstone should be engraved as his sole epitaph the words: "Here lies John Adams, who took upon himself the responsibility of the peace with France in the year 1800." But thus also Adams's political career was ended, and so was the effective existence of the Federalist party. For the revolt of the Hamiltonians against

Adams not only prevented his reëlection to the Presidency; it destroyed the party itself. We may add, with gratification, that it marked the abrupt and lasting decline of factionalism as a material force in the conduct of our foreign affairs. Never before had that passion been carried to so high and dangerous a pitch as in the fight over the French missions. Never had its menace to the welfare of the country been so great. The people saw this and realized its import, and decided that they would have no more of it. From that time forward there was an increasing degree of unity in our attitude toward the outside world; or if faction ever did assert itself, it was impotent for more than its own discredit and defeat.

There arose, however, out of these factional contests a noteworthy episode in domestic legislation which had a strong and direct relationship to our foreign affairs. This was the enactment of a group of laws dealing with naturalization, with the status of aliens in the United States in peace and war, and with the publishing of seditious libels upon the Government. The provocation was strong. Americans were justly indignant at the political activity of newly landed aliens, at the intrigues and corruption which agents of foreign countries were flagrantly conducting, and at the monstrous calumnies upon public men with which the press teemed. Chief Justice McKean of Pennsylvania said of this last-named evil, that "every one who has in him the sentiments of either a Christian or a gentleman cannot but be highly offended at the envenomed scurrility that has raged in pamphlets and newspapers, insomuch that libeling has become a sort of national crime, and distinguishes us not only from all the States around us but from the whole civilized world. Our satire has been nothing but ribaldry and billingsgate; the contest has been who could call names in the greatest variety of phrases, who could mangle the greatest number of characters, or who would excel in the magnitude and virulence of lies. Hence the honor of families has been strained, the highest posts rendered cheap and vile in the sight of the people, and the greatest services and virtue blasted." There was beyond doubt urgent need of the abatement of these evils.

A new naturalization law was first enacted, requiring an alien to live in this country fourteen years before he could become a citizen, and also to give formal notice of his intention to apply for citizenship five years in advance. There were many Federalists who would have prohibited naturalization altogether, but for fear that such action would not be constitutional. The law also required all aliens to report themselves to registry officers and be enrolled, so that the state department would have a complete roster of them. Next came a law applicable to aliens domiciled in this country in time of peace. It gave the President authority to expel from the country any alien whom he might judge to be dangerous to the public welfare and safety, or whom he might suspect of treasonable or secret machinations against this country; and every person thus expelled who should be found trespassing upon United States territory was to be imprisoned for not less than three years and forever excluded from citizenship. Another act dealt with aliens in time of war. It gave the President power to arrest, imprison, and expel all adult males who were citizens or subjects or any power with which we were at war. These two alien acts were mild in comparison with the laws which were at that time in force in France and other European lands; but they were widely regarded here as in conflict with American principles of liberty, and they certainly invested the President with too autocratic power. These alien laws were enacted for a term of only two years, and no action was ever taken under them. But they had the effect of creating a panic among Frenchmen residing here and of causing many of them to leave the country.

The sedition act was also a temporary measure. It imposed a heavy fine or imprisonment upon all persons who unlawfully conspired or combined to oppose any measure of the Government, to impede the operation of any law of the United States, or to intimidate any federal officer or prevent him from doing his duty. It prescribed a heavy fine, or imprisonment, also, for the publication in any way of any false, scandalous, or malicious utterance against the Government or Congress or the President, or anything calculated to stir up sedition, or to aid and abet the hostile designs of any foreign nation against the United States. There can be no doubt of the magnitude of the evils against which this act was aimed. We have already considered the infamous intrigues of Wilkinson and other renegades and traitors, and have recalled the characterization of current libels by an eminent judge, whose words were not in the least exaggerated. But the law was so drafted as to make it easy to use it for purposes of political persecution, and it was in fact thus used, and those who were prosecuted under it were popularly regarded as martyrs. Our present interest in the acts arises from the fact that they were an outgrowth of our foreign relations; that, severe as they were, they provoked little remonstrance from other lands; and that, oppressive and reactionary as they seemed to most Americans, and justly as they have been generally condemned, they were on the whole more liberal than the laws of European countries on the same subjects.

While all this sound and fury prevailed between the United States on the one hand and France and Great Britain on the other, a noteworthy treaty was made between this country and Prussia, in substitution for that of 1785, which expired by its own limitations in 1796. The new treaty of amity and commerce was negotiated in 1799 by John Quincy Adams, who was appointed minister in June, 1797; it was signed on July 11, 1799, was ratified by the Senate, and was proclaimed in force on November 4, 1800. Like the former convention negotiated by Franklin, it took advanced and elevated ground on the subject of neutrality. It was agreed that in case of war, private merchandise of contraband, including arms, ammunition, and military supplies of every kind, should not be subject to confiscation when captured at sea. It might be detained or appropriated to the uses of the captor, but it must be paid for at full value, and the vessel carrying it must be permitted to proceed on her voyage without further detention than was necessary for the removal of contraband goods. Privateering was forbidden under pain of punishment as piracy. Prisoners of war were not to be sent into remote exile, nor confined in loathsome dungeons like the prison-ships of the Revolution, but were to be humanely treated. There were also enlightened stipulations concerning the examination of ships' papers, the visiting of neutral ships, embargoes, seizures, prizes, asylum, and other such matters, far in advance of the common practice of the world at that time, and all going to mark a decided advance in international law. It is not, indeed, too much to say that in the vindication of neutral rights at sea, and in the amelioration of the hardships of naval warfare, both to neutrals and to the belligerents themselves, the best impulses of the world and the best achievements of the last century and a quarter had their origin in these conventions between the country of Washington and the country of Frederick the Great.

This period of our history was marked with an attempt on the part of Russia to establish treaty relations with us; not apparently because of any regard for America, but in order to complete the isolation of France. The Russian ambassador in London, Count Worontzoff, addressed himself to the American minister there, Rufus King, in November, 1798, with proposals for a commercial treaty, and with an offer of assistance to America in securing a similar treaty with Turkey. King made a discreetly noncommittal reply, and reported to the Washington government that he did not know whether the Russian ambassador had spoken on his own authority only or under orders from his government. The President assumed that the latter was the case, and at once nominated King to be a special minister for negotiating a treaty of amity and commerce with Russia, and gave him detailed instructions regarding it. King made this known in due time to Worontzoff, who replied that he would have to consult his government on the matter. Meantime it came to King's ears that Great Britain and Russia were planning to prevent all trade of neutral nations with France, and that the United States was expected to join them in the undertaking. This was substantially confirmed in June, 1799, when Worontzoff told King that Russia was ready to make a commercial treaty with America, provided that this country would adopt toward France an attitude and course of conduct satisfactory to Russia, and provided also that the negotiations could be conducted at St. Petersburg or at Philadelphia. King replied that the United States was determined to make peace with France and that he was empowered to negotiate only in London. At that the whole matter was dropped. Russia would make a treaty only if America would become a tail to the European kite, and America would agree to no such arrangement.

A treaty of amity, commerce, and navigation was made with Tunis in 1797, it being negotiated through the intermediation of Joseph Stephen Fanin, a French merchant residing in Tunis, who was then the American chargé d'affaires, and signed by William Eaton and James Leander Cathcart, commissioners appointed by the President. This treaty proclaimed peace and friendship, forbade the further molestation of American commerce by what were frankly described as "the corsairs of Tunis," and in general established a civilized *modus vivendi* between the two nations; though the actual fulfilment of such principles was deferred to a later date. If to these we add the adoption of an article explanatory of a part of Jay's treaty of 1794 between America and Great Britain, in March, 1798, we complete the list of diplomatic transactions during the administration of John Adams. This article merely authorized a commission created under the treaty to designate the source of the St. Croix River.

The close of Adams's administration ended an era of American history, in foreign relations as well as in domestic affairs. At its conclusion we still had few treaties with other nations, and few ministers accredited to their governments. The triple commission had done its work in France. Young John Quincy Adams had served in Portugal and then in Prussia, and had been recalled at his own request, leaving the Prussian mission vacant. Rufus King of New York was minister to Great Britain. Murray was in Holland, William Smith of South Carolina had succeeded Adams in Portugal, and David Humphreys of Connecticut was in Spain. Russia had not yet received an American minister, nor was one accredited to any other land. After twenty-five years of proclaimed and eighteen years of acknowledged independence, and after twelve years of constitutional establishment, we were still a novice and almost a stranger among the nations of the world.

IX

COMPLETE NATIONALITY

THE change from the Presidency of John Adams to that of Thomas Jefferson, in 1801, was in some respects the most remarkable political change in the history of the United States. It was much more than a change from one party to another, from Federalist to Republican or Democratic. It was at least in theory a radical change of governmental policy, and that in foreign at least as much as in domestic affairs. It was, in theory, a change from Anglican to Gallican; and from what in later years we have been accustomed to call a strong or a ''jingo'' policy to one of peace and nonparticipation in the affairs of the rest of the world. Jefferson's own phrases have become historic: ''Peace, commerce, and honest friendship with all; entangling alliances with none.''

But the strangest feature of this epochal change was the lack of radical change, excepting in Jefferson himself. For in a very short time, as we shall see, he completely reversed every item of his foreign policy, and adopted and maintained the policy of those whom he had been most bitterly opposing. From being a Gallican he became an intense Anglican; from opposing ''entangling alliances'' he became an advocate of them; and from being an apostle of peace, almost of peace at any price, he became the truculent champion of war, almost of war at any cost. Having once opposed and condemned Hamilton's conception of American domination of the continent, he out-Hamiltoned Hamilton as the propagandist of the ''manifest destiny'' of the United States to ''whip all creation.''

Jefferson, of course, dispensed with the services of his predecessor's cabinet ministers, and also of his foreign ministers, and filled their places with his own appointees. And whereas both Washington and Adams had aimed at and had largely achieved nonpartizanship in these offices, filling them with men of either party indifferently on the basis of their eligibility and merit, Jefferson filled them from the ranks of his own party followers. His secretary of state, who was to have under him the conduct of foreign relations, was James Madison, a man of spotless integrity, of exceptional scholarship, and of persuasive eloquence. A dozen years before he had been the associate of Hamilton and Jay in advocating the adoption of the Constitution, and at that time was apparently a stalwart Federalist. But he had gone over to the Anti-Federalist side, had become an ardent Gallican, and was in all things Jefferson's most loyal and devoted follower. His weak point was, that he had no diplomatic experience whatever, his public life having thus far been spent in Congress. But that really mattered little, for Jefferson in an exceptional degree was his own secretary of state. More perhaps than any other President we have ever had, he was the autocrat of his administration, giving his cabinet ministers little or no initiative, and being himself the author of all important measures. This autocracy of his was least marked in respect to the treasury department, since he probably realized his own weakness as a financier, and it was most marked in foreign affairs, of which, because of his experience as secretary of state and as minister to France, he regarded himself, and not unjustly, as a past master. His secretary of the treasury was Albert Gallatin, who was comparable with Hamilton himself in ability; of war, Henry Dearborn; of the navy, Robert Smith; his postmaster-general was Gideon Granger; and his attorney-general was Levi Lincoln. The only important names on the list were those of Madison and Gallatin.

He established no new foreign missions. But he sent Robert R. Livingston of New York as minister to France. Livingston had been a member of the committee of the Continental Congress which drafted the Declaration of Independence, and secretary for foreign affairs under the Congress of the Confederation; in which latter place French intriguers claimed, probably without much truth, to have him under their control. Washington had offered him the mission to France in 1794, but he had declined it. Perhaps his greatest service to the nation and to the world was his invaluable encouragement and aid to Robert Fulton in perfecting the steamboat. To Great Britain, Jefferson sent James Monroe, who had been so unsatisfactory a minister to France and had been recalled by Washington in disgrace. The mission to Spain was filled with Charles Pinckney of South Carolina, a man of experience and ability, a worthy member of one of the most distinguished Carolinian families of revolutionary times. These three were the only foreign representatives sent out by Jefferson, the missions to Holland, Prussia, and Portugal being left vacant.

It was the good fortune of Jefferson and his colleagues to enter office at a time of peace and friendliness in all our foreign relations. Washington had established a *modus vivendi* with Spain, which still prevailed, and had effected full treaty relations with Great Britain. Adams had fought successfully an undeclared war with France, and had sacrificed the remainder of his political career in his noble endeavor to prevent an open declaration of war and to restore peace; so that the first diplomatic act of Jefferson's administration was to exchange the ratifications of the treaty with France, which his predecessor had negotiated. There were, however, in respect to various foreign powers grave and complicated problems which had existed for many years; and which despite postponement were more and more exigent in their demands for ultimate solution.

The first of these in point of time was the trouble with the pirates of Tripoli. With all the four Barbary powers we had made an agreement under which we were securing a certain degree of security for our commerce by virtue of paying yearly tributes of blackmail. But none of them fully respected our commercial rights, while Tripoli openly ignored them; and it became evident that a settlement must be effected not by the state department but by the navy. And here arose one of Jefferson's self-reversals. Hitherto he had literally hated the navy. He did not want the United States to have a real navy at all. A few gunboats, which could be dragged up out of the water and stored somewhere under cover, would in his opinion be sufficient. When he became President he found the seven fine frigates which had been built in the preceding administration, and he quickly laid up five of them at the Washington navy yard, out of commission. But very soon he was compelled to send the ships into vigorous action. The Pasha of Tripoli was at this time receiving $83,000 a year in tribute, or blackmail, from the United States. But he regarded this as too little in comparison with what the piratical rulers of Morocco, Algiers and Tunis received, and accordingly he began making trouble. In May, 1801, he declared war against the United States by cutting down the flagstaff of the American consulate. Some weeks later the American frigate *George Washington* came home from the Mediterranean with the news of that performance, and also with the news of other outrages and insults which had been heaped upon the American flag and upon that ship by the Dey of Algiers. Jefferson had already sent two frigates and a schooner to those waters, and on the receipt of these reports he sent another frigate. On August 1 a clash occurred, when one of the American ships captured a Tripolitan cruiser. But it did not keep it as a prize. Jefferson was a stickler for strict construction of the Constitution, and that instrument gave to Congress alone the power to declare war. To seize and to keep a vessel as a prize would be an act of war, and that, he thought, he had no right to commit without formal declaration by Congress. So he instructed the naval commanders on seizing a ship belonging to one of those powers to dismantle it, to throw its guns and ammunition overboard, and then to let it go again with just enough sail to enable it to reach the nearest home port. That, he thought, would not be waging war, as the taking of prizes would. In the case of this one Tripolitan vessel the process was effective, for it gave the pirates a wholesome fear of American warships and constrained them to mend their ways for a time.

But in 1803 it was found necessary to wage a vigorous campaign, with all the characteristics of actual war though without a formal declaration by Congress. This was conducted with great gallantry by Preble, Bainbridge, Decatur, and other commanders. A land expedition was also organized, though without official authority, which carried the American flag across five hundred miles of Libyan desert, overran half of Tripoli, and captured the important city of Derne. That brought the Pasha of Tripoli to his senses, and he agreed to release the American captives whom he held for a ransom, and thereafter to waive all tribute and to respect American commerce. This treaty of peace and amity was made in 1805. It was not, however, until years afterward, in 1815, that our relations with the Barbary States were put upon a permanently satisfactory basis. It was then that Decatur, with a veteran squadron from the War of 1812, revisited that coast and under the muzzles of his cannon compelled the piratical despots to sign treaties in which there was no hint of tribute or blackmail. It was in 1815 that a new treaty of peace and amity was made with Algiers, with the abolition of the hateful and humiliating tribute which we had regularly paid down to that time.

The next matter to be taken up from the arrears of the former administrations was the dispute with Spain over the navigation of the Mississippi River, of which we have already had an account down to the making of a treaty by Thomas Pinckney in 1795. Under that treaty, it will be recalled, the United States had the right to navigate the river, and also to use New Orleans as a port of deposit and transfer. That treaty was made for only three years. At the end of that term it was renewed for three years more, but it became increasingly evident that it could not be permanently maintained. Spain had from the first been seeking a way to get rid of it; and she subjected our enjoyment of its privileges to increasing annoyances which became little short of intolerable. It became obvious that a radical settlement of some sort would have speedily to be made, and the impression gained weight that such a settlement, to be permanent and satisfactory, would have to be on the basis which Hamilton had long before suggested, namely, the proprietorship of the territory fronting upon the river.

That territory was known as Louisiana. It comprised something like one third of the entire present area of the United States. It extended from the Gulf of Mexico northward to the Canada line. It stretched east and west from the Mississippi River to the Rocky Mountains. At the south it comprised a small area on the eastern side of the river, thus giving it sovereign control of both banks of that stream, and it extended westward along the Gulf coast, some said to the Sabine River, some to the Nueces, and some to the Rio Grande. That was a boundary dispute of which more was to be heard in after years. By virtue of original discovery, exploration, and settlement it was a French possession. La Salle, Iberville, and Bienville had planted there the lily flag of the Bourbons, and in 1718 New Orleans had been founded, on the lower part of the Mississippi, where both shores of that river were the property of France. For many years the colony led a comparatively peaceful life. It was too far removed from the North Atlantic coast to be much involved in the wars which raged in New England and Canada. But in 1763, at the end of the French and Indian War, France ceded it to Spain, partly to avoid its being taken by the triumphant British and Americans who were taking all else that France had on this continent, and partly to compensate Spain for the losses which she had suffered through her efforts to aid France in that war. It remained Spanish to the end of that century, and thus gave Spain the opportunity to annoy and to embarrass the United States in the matter of navigating the Mississippi.

There occurred at that time, however, a series of incidents which are too much ignored in history, but which had a most pertinent bearing upon subsequent events. When France ceded Louisiana to Spain in 1763, it ceded the little part of it east of the Mississippi, on the lower part of that river, to Great Britain —all save the island on which stood the city of New Orleans. That gave Great Britain ownership of the entire eastern shore of the river, clear to the Gulf, with the exception of the city of New Orleans. France, moreover, guaranteed by treaty to Great Britain the freedom of the river, "from its source to the sea, and expressly that part which is between the Island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth." That treaty should, of course, have averted any further dispute over the river, for the United States in 1783 should have succeeded to all the rights which Great Britain had secured twenty years before. But we must not forget the capacity of the British government at that time for blundering, especially in American affairs. All of Florida, which included the whole Gulf coast westward to Louisiana, was at that time temporarily transferred to Great Britain by Spain, in exchange for Cuba. The British government thereupon divided it into two provinces. East Florida comprised the present State of Florida. West Florida comprised the southern ends of what are now the States of Alabama and Mississippi, and also that bit of Louisiana east of the big river. Then the limits of West Florida were extended northward, so as to include the east bank of the Mississippi as far up as Natchez.

In this creation and enlargement of the province of West Florida were sown the seeds of trouble. For at the close of our revolution Great Britain ceded the two Floridas back to Spain, and Spain shrewdly and not altogether unreasonably insisted that she was entitled to West Florida, not merely as it was twenty years before but as it had now become through the British enlargement of it. She claimed, that is to say, possession of the small corner of Louisiana east of the Mississippi, and of the territory northward to Natchez. In the former claim, of the corner of Louisiana, Great Britain acquiesced, and thus gave to Spain both sides of the Mississippi River for more than two hundred miles up from its mouth. The latter claim, of the lands northward to Natchez, was not granted, but the territory in question constituted the disputed Yazoo lands, which under our treaty of peace with Great Britain were to belong to us if Florida was given back to Spain, but to Great Britain if she should retain possession of Florida. Under Pinckney's treaty of 1795 Spain finally relinquished the Yazoo lands to the United States, but she remained in possession of that southeastern corner of Louisiana. Great Britain and the United States agreed in their treaty of peace that the Mississippi should be open and free to them both throughout its entire course, according to the French and British treaty of 1763. But Spain refused to recognize the validity of that agreement, on the ground of the radical change in conditions which had been effected by her acquisition of that corner of Louisiana and consequently of both banks of the river.

There were then, as indeed there still are, two theories concerning national and international rights on such a river. One was that the stream was absolutely owned and controlled by the power which owned its banks, so that others could navigate it only through courtesy and on sufferance. The other was, that any power which had a frontage upon any part of the river had a natural right to navigate all parts of it. International law has never yet completely decided between the two, though the weight of logic and of practice is certainly on the side of the former. Germany would scarcely concede that Russia had a natural right to send merchant ships and ships of war up and down the Vistula, across Prussian territory; nor that her own shipping was entitled to navigate the Danube, clear across the Austro-Hungarian Empire. If there were a navigable passage from Lake Champlain to the Hudson, we should scarcely admit the natural right of Canadian shipping to come down the Hudson to the sea without so much as saying, "By your leave." Such navigation of such rivers as the St. Lawrence, the Danube, and the Rhine is a matter of treaty stipulation. Technically, therefore, Spain was in the right and our use of the lower Mississippi was to be enjoyed by us as a grant from her.

Hamilton inclined to this view. But he also realized that treaty arrangements between the United States and Spain would not prove permanently satisfactory. The navigation of the Mississippi was of so great and indeed vital importance to us that it must be not merely our privilege but our right. To that end he at an early date insisted that we must acquire the Louisiana Territory, so as to own both shores of the river from its source to its mouth; just as we already owned the Ohio and the Hudson. More than that, he similarly advocated the acquisition of Florida, in order that we might control the narrow seas through which commerce must pass between the Mississippi and the Atlantic. Meantime, until such acquisition of territory could be effected, he would demand free navigation of the Mississippi, on the ground that it was essential. One of his last acts, if not his very last, as a member of the Congress of the old Confederation, was to introduce a resolution declaring that the navigation of the Mississippi to the sea was a clear and essential right of the United States and was to be insisted upon and maintained as such; which unfortunately was not adopted. Again, as secretary of the treasury in Washington's cabinet, he declared that the free use of the river was "essential to the unity of the empire." He was supremely the prophet of American territorial expansion to a predominant position on the continent. Referring to Louisiana and Florida, he wrote to Pickering, in the Adams administration, "I have long been in the

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habit of considering the acquisition of those countries as essential to the permanence of the Union,'' and in ''The Federalist'' he had written, ''Our situation invites and prompts us to aim at an ascendant in American affairs.'' His idea was that we should occupy the continent from sea to sea, as we do to-day; and of course the absolute ownership of the Mississippi was essential to the realization of that scheme.

Jefferson, Madison, and the Republicans generally inclined toward the other view, that we had somehow a natural right to navigate a river which was undisputably a territorial water of Spain. Madison, indeed, was before Hamilton himself in point of time in demanding the opening of the Mississippi to American commerce. During the Revolution he urged that as an indispensable condition to the making of any treaty with Spain, and he resolutely maintained that position even after his own State of Virginia had relinquished it. When Jay, in 1786, proposed a treaty with Spain under which the right to navigate the river would be temporarily held in abeyance, Madison strenuously opposed it and made personal appeals to Washington and Lafayette against it. Such were the sentiments of the man who now had to deal with the matter as Jefferson's secretary of state. Nor was Jefferson himself less insistent upon the opening of the river. He, too, had opposed the treaty of 1786 on that ground. ''The act which abandons it,'' he said, referring to our claim to navigate the Mississippi, ''is an act of separation between the eastern and western country.'' He had in view, of course, the threats of secession which Kentucky was making, in 1787, and which he believed would be fulfilled if the river were not freely opened and kept open. Again, as Washington's secretary of state, he argued that Spain's ownership of the shores of the river gave her no power to close the stream against our commerce, and he warned the Spanish government that if it did not grant our just demands for freedom of transit, it would be impossible to assure the forbearance of our western citizens. In brief, if Spain would not open the river peaceably, we should do so with force and arms.

Upon the fundamental principle, then, that we must have free navigation of the Mississippi, all were agreed. A confident hope of the maintenance of that principle had checked the rising madness of disaffection and secession in the West; a madness of which only one permanent memorial remains. To this day there stands in the southwestern corner of Missouri the city of New Madrid, which was founded by renegade Americans, who, at the incitement of Spain, moved across the river from the United States to Spanish soil, renounced American citizenship, and swore allegiance to the King of Spain, in order that thus they might obtain the right to navigate the river. It is well to keep that disgraceful name upon the map, "lest we forget," as a reminder that Americans as well as other peoples have at times been capable of declining to the very nadir of pusillanimity, baseness, and treason.

All that had passed, or at least was for the time held in innocuous abeyance. But Spain was by no means reconciled to the state of affairs established by the treaty of 1785. At the end of the Revolution she had tried her utmost to keep the United States shut away from any frontage upon the Mississippi and from any direct contact with her colonies, and it was now a constant cause of annoyance and exasperation to have this country seated upon the eastern shore of the river, navigating it freely through exclusively Spanish territory, and actually using Spanish soil for the purposes of a commercial landing and shipping place. The passage of time did not allay but rather deepened and intensified this resentful passion, and strengthened the resolution of Spain in some way to get rid of these hateful conditions. Of course the treaty giving us the use of the river and port had to be made when Pinckney so strenuously demanded it, and it had to be renewed at the end of three years. Spain was not strong enough to incur the danger of war with America which would have been involved in her refusal. But during the existence of the treaty she sought in every way to make our enjoyment of it as little profitable as possible, and after it had been renewed once she determined that it should not be renewed a second time; at any rate, not by her. We must remember, indeed, that it was only on a showing of military force by the United States that Spain fulfilled that treaty at all. The treaty was made in 1795 and was ratified in 1796, but it was not until 1798, and after the sending of a detachment of United States troops to that region, that Spain withdrew her garrison from

Natchez, relinquished the Yazoo lands to this country, and opened the river fully to our shipping.

The plan adopted by Spain for getting out of a distasteful situation was quite simple and effective. ''If the Mountain will not come to Mohammed,'' said the Arabian prophet, ''Mohammed will go to the Mountain.'' If the United States would not keep away from Spain, Spain would move away from the United States. She had tried for years to secure a buffer State between herself and us on the eastern side of the Mississippi, and had failed. The restless, inexorable Americans had pushed their way westward to the Mississippi, and southward almost to the Gulf, and might at any time go further still. Spain could not resist them. Their ships had gone around into the Pacific, and they might soon gain a foothold on the shores of that sea, menacing her possessions in California and Mexico. Her only recourse for safety was, therefore, to call in some other great power to her aid. If she could sell Louisiana to some nation which would be sufficiently powerful to hold it forever as a barrier against the further westward march of the Americans, she could herself retire beyond the mountains and rest in peace and quiet.

Circumstances favored and facilitated the execution of this plan, for France was as ready and as eager to repurchase Louisiana as Spain was to sell. France had never been reconciled to her loss of her North American empire, and she particularly regretted the loss of Louisiana, for she realized the inestimable value of that province in either peace or war. In peace, it was capable of becoming one of the richest and most populous countries on the globe. In war, it was the key to the entire continent. So it was that in the treaty-making at the end of our Revolution France had sided with Spain in trying to shut us away from the Mississippi, hoping thus to keep the door open for her own reëntry into Louisiana. So it was that Genet, on his extraordinary mission to this country, sought first of all to organize expeditions for the invasion of Florida and Louisiana, hoping by the aid of renegade Americans to conquer those territories for France. All these efforts had failed. But now a new and potent factor had entered the problem. Napoleon Bonaparte had become the practical autocrat of France, with unbounded ambition and unrivaled military genius; and he had as his aid Talleyrand, one of the most skilful and most unscrupulous diplomats in the world.

Three considerations moved Bonaparte to anticipate Spanish desires by making overtures for the transfer of Louisiana to France. One was, the actual worth of the territory, with its priceless natural resources and its vast field for colonization. A second was its strategic utility in the war to the bitter end, which he knew he had to wage with England. He was already planning to recover Santo Domingo as a base of operations for the conquest of the West Indies. If he should acquire Louisiana, he could send a fleet and an army up the Mississippi and attack Canada at the southwest, and thus perhaps regain that country and drive Great Britain out of North America. The third and by no means the least consideration was the personal prestige which he would gain. He was the idol of the army, and of the republican part of the populace. But he meant presently to discard the mask of consul and assume the crown of emperor, and he wished to ingratiate himself with all the people and to strengthen his position in every way, in order that that great usurpation might be favorably received. To that end, nothing could be more effective than for him to regain Louisiana, the vast region which had been won and then lost by the Bourbon kings of France and which still bore the name of the Grand Monarque.

With these ends in view, Bonaparte and Talleyrand found little difficulty in inveigling Spain into what we might describe, in the apt jargon of the street, as the biggest bunko game in history. They purposed deliberately to swindle her out of Louisiana, and they achieved that purpose. At that time the titular King of Spain was Charles IV, one of the most pitiable specimens of weakness and unworthiness that ever occupied a decadent throne. The real rulers of Spain were the king's wife, Maria Louisa of Parma, who was a compound of Messalina of Rome and Catherine the Great of Russia, and her favorite paramour, Don Manuel Godoy, who because of his negotiation of a peace treaty with France was called the Prince of the Peace. Knowing the fondness of this crowned harlot for her native Italy, Bonaparte and Talleyrand made her an offer of an Italian kingdom in exchange for Louisiana. The kingdom in question was Tuscany, which Bonaparte had conquered and annexed in the French invasion of Italy. It was a rich and splendid domain, with more than a million inhabitants, one of the finest parts of all Italy, and Bonaparte's proposal was to bestow it upon Louis, the prince-presumptive of Parma, who was the nephew and son-in-law of the Spanish sovereigns, giving him with it the title of King of Etruria. In return, France was to have Louisiana, which she would pledge herself never to alienate to the United States or any other country, but to hold as her own forever as an effective buffer State between the remaining American possessions of Spain and the much-dreaded and detested United States.

This proposition was readily accepted by the queen, and by her and her lover the complaisant king was led by the nose to give his assent. Godoy did not, in fact, openly figure in the transaction. He retired from the office of prime minister for a time, partly perhaps because, with all his villainies, he had some degree of patriotism and did not wish to appear a party to what he knew was a bad bargain for Spain, and partly because he was not on good terms with the French government and could not comfortably conduct the negotiations. He therefore retired from office when the negotiations began, and did not resume it until their close. In his absence the compact was made, in a secret treaty which was signed at San Ildefonso on October 1, 1800. It is interesting to recall that the treaty between France and the United States, composing their serious differences, had been signed on the very day before, September 30. Before the ink was fairly dry on the one, with the same pen another was signed which was at least in spirit absolutely incompatible with it.

Spain and France both exulted over the secrecy with which the treaty of San Ildefonso was made, a secrecy which was to be maintained as long as possible. In that, they thought they were repaying the United States for making the treaty of peace with England in 1783 without their knowledge or consent, and for inserting therein the secret clause about the Yazoo lands. One feature of the treaty contained the germ of much subsequent trouble. That was, its failure to define the boundaries of

Louisiana, that territory being described simply as that possessed by Spain and formerly possessed by France. There was no indication of the dividing line between it and the remaining Spanish possessions at the southwest; whether that line was the Sabine River or the Rio Grande. As for the purchase price for Louisiana, the kingdom of Etruria or Tuscany, Bonaparte never delivered it to Spain, more than in name. The pledge that France would keep the territory as her own forever was speedily repudiated. As for the stipulation of secrecy, it was manifestly impossible that it should long be observed. It was agreed, in pursuance of the policy of secrecy, that Spain should continue in possession of the territory and should continue to administer its government, just as she had been doing since 1763, until such time as France was ready to let the bargain be known and to take possession of the country with an adequate force. As a matter of fact, such Spanish occupation continued throughout all of France's brief ownership of Louisiana.

For a time the secret was well kept. Within a year, however, inklings of it began to leak out. In the latter part of May, 1801, Jefferson wrote to Monroe that there was reason to apprehend that Spain had ceded or was about to cede both Louisiana and the Floridas to France; and he added that such a transaction would be very unwise for both of those countries, and "very ominous to us." This apprehension was strengthened in the fall of that year, when in November an expedition of thirty thousand soldiers was despatched from France, under the command of Leclerc, Bonaparte's brother-in-law, for the reconquest of Santo Domingo. Livingston, the American minister at Paris, rightly discerned and reported the object of the expedition to be first to reëstablish French sovereignty in that island and then, with the necessary reinforcements, to proceed to Louisiana and to occupy that province. It was, moreover, expected that the conquest of Santo Domingo would be effected with little trouble or delay. The French assumed that Toussaint l'Ouverture could readily be bribed to submit himself to their authority, or if not could easily be subdued by force. But in that they were tremendously disappointed. Leclerc succeeded in betraying Toussaint to captivity and slow assassination, but that infamous performance only roused the islanders to more resolute resistance, with yellow fever as their ally. Within a year less than one seventh of the French force remained alive and well, Leclerc himself was dead, and Santo Domingo was forever lost to France.

Before that catastrophe, however, the French operations in that island and their evident intent, as set forth by Livingston, to make Santo Domingo a stepping stone to Louisiana, created a profound impression upon the always impressible Jefferson. Soon after Leclerc's arrival in the island, and while the success of his enterprise still seemed probable, the President, who had been watching the progress of affairs with extreme anxiety, wrote to Livingston at Paris one of the most remarkable letters that ever were produced by his gifted pen. It was remarkable alike for its account of the attitude of the United States toward the supposed designs of France upon Louisiana, and for its exhibition of his complete self-reversal in policy toward France and England and toward peace and war. By the stroke of a pen he transformed himself from a foe of England to her friend and wooer, from a lover of France to her relentless enemy, from an opponent of naval construction to an advocate of its extreme expansion, from the opponent of entangling alliances to their ardent advocate, from a stickler for peace to a passionate propagandist of war. But above all as a sane and statesmanlike view of essential policies of national protection, and as an adumbration of that supreme doctrine of the right of self-preservation and self-defense which was in a later administration explicitly enunciated and executed, Jefferson's letter deserves rehearsal and remembrance. He said:

''The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. On this subject the secretary of state has written to you fully; yet I cannot forbear recurring to it personally, so deep is the impression it makes on my mind. It completely reverses all the political relations of the United States, and will form a new epoch in our political course. Of all nations of any consideration, France is the one which, hitherto, has offered the fewest points on which we could have conflict of right, and the most points of a communion of interests. From these causes we have ever looked to her as our natural friend, as one with which we never could have an occasion of difference. Her growth, therefore, we viewed as our own, her misfortunes ours. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific disposition, her feeble state, would induce her to increase our facilities there so that her possession of the place would hardly be felt by us, and it would not, perhaps, be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France; the impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth.

''These circumstances render it impossible that France and the United States can continue long friends when they meet in so irritable a position. They, as well as we, must be blind if they do not see this, and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans fixes the sentence which is to retain her forever within her low-water mark. It seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attention to a maritime force, for which our resources place us on very high ground, and having formed and connected together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for the tearing up of any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations.

''This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her, for, however greater her force is than ours, compared in the abstract, it is nothing in comparison to ours when to be exerted on our soil; but it is from a sincere love of peace, and a firm persuasion that, bound to France by the interests and strong sympathies still existing in the minds of our citizens, and holding relative positions which insure their continuance, we are secure of a long course of peace, whereas the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case France will have held possession of New Orleans during the interval of peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a weight into the scale of her enemy? Will not the amalgamation of a young, thriving nation continue to that enemy the health and force which are now so evidently on the decline? And will a few years' possession of New Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace, and in war she could not depend on them, because they would be so easily intercepted.

"I should suppose that all these considerations might in some proper form be brought into view of the Government of France. Though stated by us, it ought not to give offense, because we do not bring them forward as a menace, but as consequences not controllable by us, but inevitable from the course of things. We mention them not as things which we desire by any means, but as things we deprecate, and we beseech a friend to look forward, and to prevent them for our common interest."

Six months later, on October 16, 1802, either Morales, the Spanish intendant, or Salcedo, the Spanish governor, at New Orleans, arbitrarily and without warning revoked the American right to use that city as a port of deposit. That was the first step toward disclosing the terms of the treaty of San Ildefonso and toward turning Louisiana over to its new owners. The news of this did not reach Washington for several weeks. But when it did it created one of the most profound sensations the

American republic had thus far known. The whole country was swept with fiery tides of passion, amid which, strange to say, the one man who remained cool, calm, conservative, and master of himself was the usually impressionable and impulsive Jefferson. In the West, in Illinois and Kentucky, the settlers were furious. Years before they had exercised immeasurable patience and forbearance in the face of great provocation, trusting to the promise that their interests would be protected and their rights would be vindicated. But now all seemed to be in vain. The treaty which secured their rights was wantonly repudiated and their vital interests were sacrificed. They were chiefly political followers of Jefferson, but here was a crisis superior to party politics. If Jefferson could not or would not protect them in their rights, they would no longer have regard for him. For the moment they hesitated on the turning of a hair, whether to revolt against the Government which seemed unable to protect them and to secede from the Union, or to rush into war against Spain or France or whatever power barred their free access to the sea. Nor were Jefferson's opponents, the Federalists, at the East, less strenuous. Moved partly by patriotic indignation, and partly by a malicious factional desire to embarrass Jefferson, they too clamored for instant war.

In this crisis, the most serious he ever had to meet, Jefferson comported himself in a manner worthy of Washington himself. His serenity remained unruffled. There was not a touch of the excitement which he had betrayed in his letter to Livingston, months before. The situation was too grave. With a singular combination of the broad and masterful principles of a statesman and of the shrewd and adroit tactics of the most astute and consummate politician America has ever produced, he set himself to the double task of allaying popular excitement and of seeking a radical and permanent settlement of the long-vexing problem. In both he was splendidly successful. His first thought was to calm the mind of the West; for which purpose he sent Breckinridge thither to intimate to influential men what his policy would be. Then Congress met, confronting an issue of portentous gravity, with the nation clamoring for action. Every one listened for the report and recommendations which Jefferson would make in his message at the opening of the session. Had he recommended war it would have been voted in an hour. Had he acquiesced in the action of the Spanish authorities, the whole West would have risen in revolt. He did neither. Calmly and unconcernedly, as though nothing extraordinary was happening, he contented himself with observing that Spain appeared to be transferring Louisiana to France, and that the transaction, if completed, would cause some changes in the aspect of our foreign relations. That was all. Of the nature of the impending changes he said nothing, nor did he disclose the course which he intended to pursue in regard to them. This device, audacious in its insouciant simplicity, and exhibiting a confidence and an unconcern which it is impossible to imagine Jefferson really felt, was for the time effective. But a few weeks later some definite action was inevitable.

Early in January, 1803, General Smith of Maryland, one of the foremost members of the House of Representatives, one day moved a secret session of that body; and when the public had been excluded and the doors closed he further moved "that a sum of two million dollars be appropriated to defray any expenses which may be incurred between the United States and foreign nations, to be applied under the direction of the President." It was explained, in offering this resolution, that its object was "to enable the executive to commence with more effect a negotiation with the French and Spanish governments relative to the purchase of the Islands of New Orleans and the provinces of East and West Florida." In further explanation the report of the committee which had the revolution in charge continued: "If we look forward to the free use of the Mississippi and the other rivers of the West, New Orleans and the Floridas must become a part of the United States, either by purchase or by conquest. The great question, then, which presents itself is, Shall we at this time lay the foundation for future peace by offering a fair equivalent consideration, or shall we hereafter incur the hazards and the horrors of war?" This resolution was adopted, and a few weeks later Congress authorized the enlistment of 80,000 volunteers.

It is probable that many of those who voted for these measures were trying to embarrass the President, or to force his hand. But Jefferson was not to be beaten at any game of politics, nor was he idle at this crucial time. On the very day when General Smith's resolution was presented, he nominated Monroe to be minister extraordinary to France and Spain, to cooperate with Livingston at Paris in negotiating a settlement. If negotiations at Madrid were needed, Pinckney, our minister there, was to act with them. He explained to Monroe that the Federalists were seeking either to plunge the country into war, or to win the people of the West away from him and so defeat him at the next election. Something must therefore be done which would produce a profound effect upon the public mind for the counteracting of such schemes. He regretted the necessity for doing anything, because an entanglement in European politics would not be to the advantage of the United States. Nevertheless, action was necessary. He urged Monroe to make haste, "as the moment in France is critical." And so he instructed Monroe and Livingston to negotiate for the purchase of New Orleans and the other Louisiana territory on the east bank of the Mississippi, and perhaps also of East and West Florida, or so much of them as the possessor could be prevailed upon to part with. His idea was that ownership of the entire eastern shore of the river would sufficiently safeguard our right to navigate. The greater scheme, of acquiring the whole Louisiana territory, was left in abeyance, and it is probable that he regarded it with disfavor. Nevertheless, he at the same time sent the Lewis and Clark expedition across the northern part of that territory, to explore the Oregon country, the Pacific coast of which had already been visited by American vessels.

Jefferson's state of mind was disclosed in another letter which he wrote to Livingston, in which he said that "the future destinies of our country hang on the event of this negotiation," for if we could not acquire New Orleans, war was inevitable. To Dupont de Nemours he wrote: "The use of the Mississippi is so indispensable that we cannot one moment hesitate to hazard our existence for its maintenance." And a little later he wrote to Monroe and Livingston that if their negotiations with the French government failed, they should withdraw from Paris, go over to London, and negotiate with the British government an aggressive alliance against France. Indeed, Jefferson had himself, weeks before, told Thornton, the British chargé d'affaires at Washington, that he thought such a course probable, and that if it was necessary to employ force against France or Spain, the United States, having once drawn the sword, would throw away the scabbard. Pichon, the French chargé at Washington, was much alarmed, and informed Talleyrand that the American government was intensely bitter against France, and that Jefferson was likely to make an alliance with Great Britain. Madison personally told Pichon that the possession of New Orleans and West Florida was a necessity for this country. The Spanish government, too, was much concerned, although it was merely a *locum tenens* for France, and in April its minister at Washington informed Madison that the right to use New Orleans as a port of deposit would be at once restored, and he thanked our government for its patience and forbearance.

Meantime, negotiations had been proceeding in Paris for a final settlement. In advance of Monroe's arrival Livingston had broached the matter to Talleyrand, with no success and with little encouragement. Bonaparte was still possessed of the ideas which he had cherished when Louisiana was acquired from Spain. He would not part with a single rood of ground on which he meant to build up a great American Empire. Livingston was told that, in effect, and was much disheartened, seeing no alternative to a war. But then there came a sudden and complete transformation of the scene. Bonaparte realized the disastrous failure of French arms in Santo Domingo, and was for that reason disgusted with colonial enterprises. He could not hope to conquer that island without sending over large reinforcements, and he could not send them, for two reasons: First, that he would need all his soldiers at home in the war which he knew was impending with Great Britain and probably some continental allies; and second, that the British fleet would render it impossible for him to send such an expedition across the ocean. For these same reasons he could not send an expedition to take possession of Louisiana. Indeed, it would be folly to attempt to occupy and to hold Louisiana without first making sure of Santo Domingo. He realized that Louisiana would be exceedingly vulnerable and easily taken from him in war even by the United States alone, while against a hostile combination of the American army and the British fleet resistance would be folly. It is probable, also, that he saw with prophetic eye the development of a powerful American navy, which would contest with Great Britain the mastery of the seas, and he hoped through it to see the power of his great rival humbled; to which end it was worth while to give America scope for development. Finally, he realized that a round sum of American money would be uncommonly convenient to add to his war-chest, as soon as the brief peace of Amiens was broken. Of course, in the treaty of San Ildefonso he had solemnly covenanted with the King of Spain that he would not alienate Louisiana to any other power. But it does not appear that he took the trouble to remember that promise. Certainly he did not let it stand for a moment in the way of his designs.

Monroe arrived in France early in April. On April 10 Livingston wrote to him at Havre, saying: "We have long and anxiously waited for you. God grant that your mission may answer your and the public expectation. War may do something for us; nothing else would." That was Sunday, Easter day. That evening Bonaparte had with him at St. Cloud his foreign minister, Talleyrand, and his treasury minister, Marbois. The latter had spent some time in the diplomatic service in America. He also differed from Talleyrand in being truthful and pecuniarily honest. The three held a long conference over the Louisiana business and the stormy outlook in England; which was prolonged so late that the ministers remained at St. Cloud all night. Talleyrand opposed the sale of New Orleans, while Marbois advocated it. Bonaparte himself was undecided, but, because of bad news from England, was inclined to make the sale. He feared, indeed, that England had already seized, or was about to seize, Louisiana. "If," he said, "I leave the least time to our enemies, I shall transmit only an empty title to those Republicans whose friendship I seek. They ask of me only one town in Louisiana; but I consider that the whole colony is already lost. Besides, in the hands of that growing power the province will be more useful to the policy and even to the commerce of France than it will be if I attempt to retain it."

Early the next morning Bonaparte sent for Marbois, doubtless selecting him rather than Talleyrand to conduct a financial transaction because he believed Marbois to be honest. To him he said: ''There is no more time for irresolution and deliberation. I renounce Louisiana. I will cede not only New Orleans but the entire territory, without reservation. Therefore negotiate at once to that end. Do not wait for Mr. Monroe to get here to-morrow. See Mr. Livingston about it to-day. I want fifty million francs for the territory, and will take no less. Let me know hour by hour how your negotiations proceed. Keep Talleyrand also informed.'' It does not appear whether Marbois told this to Talleyrand before he went to Livingston, or, which is more probable, Talleyrand listened at the keyhole. But at any rate Talleyrand learned of it and got to Livingston ahead of Marbois. He asked him if the United States wanted to buy the whole of Louisiana. Livingston, mindful of his instructions to negotiate for only New Orleans and Florida, answered, No; adding, however, that he thought it would be good policy for France to sell it all, or at least the northern part, above the Arkansas River, which would never be of practical use to her. Talleyrand retorted that without New Orleans the whole of Louisiana would be useless to France, and he asked what Livingston thought the United States would be willing to pay for it Livingston replied that he was not prepared to name a price, as he had no instructions to that end and had given the matter no thought, but he supposed that the United States would pay as much as twenty million francs, provided that France would pay the claims of American citizens for spoliations. Talleyrand objected that this was too little, whereupon Livingston said that he would discuss the subject with Monroe immediately upon his arrival.

Marbois, despite Bonaparte's urging, appears not to have seen Livingston that day. The next day, Tuesday, Monroe arrived and was much surprised to learn from Livingston of Talleyrand's overtures. In the evening as they were discussing at dinner the question of price, Marbois called. As Monroe had not yet been formally received as minister by Bonaparte, Marbois did not negotiate with him, but with Livingston alone. They discussed the matter until a late hour, and then Livingston went to Marbois's house and remained there until midnight. Bonaparte had named fifty million francs as the minimum price, but Marbois, like a faithful minister and shrewd dealer, sought to get as much more as possible. He asked first for 125,000,000, but at midnight lowered his demand to 100,000,000; though he confessed to Livingston that it was still an exorbitant price. After leaving Marbois, with the bargain still unsettled, Livingston, without waiting to confer with Monroe, wrote to Madison, telling of the offer and saying that he believed it would be wise to purchase the territory at that price. He admitted that the price was too high. But, he said, some of the purchase price could be got back by reselling the territory west of the Mississippi to some European power whose presence there we should not fear! That was perhaps the most astounding proposal ever made by a minister of the United States. It of course never received serious consideration, and has never been repeated.

The negotiations then dragged on slowly, partly because of the malicious obstruction of Talleyrand, who postponed presenting Monroe to Bonaparte until May 1, thus compelling all the direct negotiations to be conducted by Livingston alone. Livingston and Monroe agreed that it would be safe to offer fifty million francs, but that they should first try a smaller sum. So Livingston offered forty millions, of which one half should be returned to satisfy American claims for spoliations. Marbois reported this to Bonaparte, who was much displeased; so that Marbois reported to Livingston that the whole matter would have to be dropped unless Bonaparte should graciously be moved to reopen negotiations. At that Livingston offered to increase the bid to fifty millions, which was the exact sum that Bonaparte had named. No answer was made for some days, but on April 17 announcement was made of the declaration of war between France and England. That meant that France would have to make terms with America over Louisiana. Ten days later the end was reached. Marbois drafted a treaty providing for the cession of all Louisiana for the sum of eighty million francs, of which twenty millions should go for the payment of the American spoliation claims, leaving a net purchase price of sixty million francs. Livingston and Monroe tried to get a reduction of ten million francs, but in vain. In the end they accepted the figures of Marbois, and on May 2, the treaty, dated April 30, was signed. On signing it, Livingston remarked to Monroe, "We have lived long, but this is the noblest work of our lives." Bonaparte at first, ignoring his own prescription of fifty millions, objected to the price as too low; but presently agreed to it and ratified the treaty. "I have given England," he said, exultingly, "a maritime rival who will some day humble her pride." He also remarked: "Sixty millions for a territory which we may not occupy for a single day!"

This latter remark suggested the extraordinary circumstances that France was thus selling us something which she did not in fact possess, which she had never paid for, which she was solemnly bound not to sell to us, and which the French Constitution itself forbade her to dispose of in that way. For France had never taken possession of the country; she had never given Tuscany to Spain, or to the Prince of Parma; she was pledged by the treaty of San Ildefonso not to alienate the territory; and the Constitution forbade the consul on his own authority to alienate any of the national domain. Another circumstance is worthy of notice. That is, that in signing the treaty Livingston and Monroe violated, or at least enormously exceeded, their instructions. They had been authorized to purchase only New Orleans and the Floridas, and they knew that Jefferson had only $2,000,000 at his disposal for the transaction. Yet they purchased the whole of Louisiana and agreed to pay $16,000,000 for it. Evidently the spirit of John Jay was still extant in American diplomacy!

The treaty of cession was protested by the Spanish government, both to the American minister at Madrid and by the Spanish minister at Washington, on the dual ground that France was prohibited by treaty from alienating the Louisiana Territory, and that France had failed to secure for the so-called King of Tuscany the recognition from England and Russia which she had promised to secure as a part of the bargain for the transfer of Louisiana. The reply of Madison to these protests was that they were matters of no concern to the United States, as this country was not a party to the treaty of San Ildefonso. Jefferson himself in a letter to Livingston stated the case tersely and conclusively: "We have answered, that these were private questions between France and Spain, which they must settle together; that we derived our title from the First Consul, and did not doubt his guarantee of it.'' The protests were reported to the United States Senate, but had little weight with it. Indeed, they deserved no consideration, for the view of them which was taken by Jefferson and Madison was undoubtedly right. The treaty was submitted to the Senate on October 17 and was ratified four days later, and was then immediately proclaimed as in force.

Bonaparte's remark that the territory might not be in France's actual possession a single day was almost literally verified. When the treaty was ratified and proclaimed on October 21 the Spanish were still in possession. It was soon arranged that France should take possession on November 30, and on that day the Spanish authorities did in fact make a formal transfer of title to the French. But the French prefect had no troops, not so much as a corporal's guard, to support his authority. Therefore a volunteer force of French residents of New Orleans and American residents and visitors, to the number of more than two hundred, was organized into a militia body under the command of the American consul, and it maintained order until a detachment of the American army could be brought upon the scene. Thus in a sense the actual possession, or at least the military occupation and control, passed from Spain to the United States. Then on December 20 the formal transfer of France's nominal and shadowy possession to the United States was made. American troops were massed in the military square in front of the New Orleans City Hall. At the top of a tall flag staff floated the French Tricolor. At the bottom an American Stars and Stripes was attached to the halyard. Then as the rope was pulled the one descended and the other ascended. Midway they met and for a moment floated side by side. A gun was fired, followed by salutes from all the batteries in and around the city. The French flag was then hauled down and removed, while the Stars and Stripes rose to the top of the pole. Thus was effected a transfer of property which must be regarded as one of the most momentous and most far-reaching in its effects of all in the history of the world.

We are not now concerned with the epoch-making effects of this transaction upon the domestic affairs of the United States; though scarcely any other event in all history has exerted so profound and comprehensive an influence upon American political institutions, upon the interpretation of the Constitution, and upon the whole subsequent course of our history and the tenor of our national life. At present we are concerned with its effect upon our foreign relations, and this, too, was of transcendent importance. It was the acquisition of Louisiana that gave us our frontage upon the Gulf of Mexico and therefore our interest in the West Indies, Central America, and South America, where at this very time great doings were in preparation. It brought us into contact with Mexico, and opened the way directly for our annexation of Texas and our seizure of New Mexico, Arizona, and California. It thus was the preface to development of our interests on the Pacific coast and in the Pacific Ocean and to the scheme of an Isthmian canal, and our relationships with the great Asiatic nations beyond the Pacific. With these matters we shall deal in their due order. The first effects upon our foreign relations were immediately perceived, in an increase of friendship with France, and an increase of irritation toward us on the part of Spain. The latter country, not without cause, felt that it had been badly treated by France, and it vented much of its resentment and anger upon the United States. Before that time relations had been strained and irritable. Thereafter they were dangerously near the breaking point. So great was the Spanish animosity, in fact, that it was not deemed prudent to attempt any further negotiations with that power at that time. Monroe, flushed with triumph and exultation, at first was hot for proceeding straight from Paris to Madrid, to negotiate a supplementary treaty concerning Florida; but he was dissuaded by the French government from so doing. The matter was postponed, to be settled in after years at great cost.

One of the most important international results of the Louisiana purchase was that it involved us in a boundary dispute; or rather in two boundary disputes. That was because the treaty of cession did not define the limits of the territory. In the treaty of San Ildefonso the territory had been described as "The colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States.'' Those same phrases were copied into our treaty of cession. But there was nothing to indicate what they meant, and immediately after signing the treaty Livingston and Monroe began to wonder what it was, after all, that they had bought. They asked the French ministers, but go no satisfaction. Talleyrand advised them to make the most of their bargain. Marbois admitted that the boundaries were indefinite and said that it was well that they should be. Monroe wanted to claim as a part of Louisiana all of West Florida, as far as the Perdido River, which is the western boundary of our present State of Florida, and he wanted, too, to go straight to Madrid and to try to purchase all the rest of Florida for a million or two dollars. In all probability he would have failed in his mission, though it would have been well if the matter could have been settled at that time. The other boundary dispute was at the western side of Louisiana, between it and the remaining Spanish territory of Mexico, which then included Texas. The Spanish contention was that the boundary was the Sabine River, which now divides Louisiana from Texas, or even the Mermenteau River, midway between the Sabine and New Orleans, and that all of Texas still belonged to Spain. The French claim, on the other hand, was that the boundary was the Rio Bravo, which we now call the Rio Grande, which is the boundary between Texas and Mexico, and that thus the whole of Texas was included in the Louisiana purchase. There were arguments on each side of the case, and though much research and consideration have been given to the matter in the century since, it has never been possible to say with certainty which side was right. Jefferson, Madison, Monroe, and John Quincy Adams seem to have inclined to the French view of the case, as was not unnatural. But nothing material was done about it at that time, for two reasons. One was that Jefferson was seeking simply the possession and control of the Mississippi River, and these were assured with the western boundary at the Sabine just as well as with it at the Rio Grande. The other was that Texas was then supposed to be chiefly an uninhabitable desert, not worth possessing.

With West Florida the case was different. That region was known to be of value, and it was adjacent to our own southern territories, so that the question of its ownership soon arose in an acute form. Jefferson in August, 1803, declared that the United States had "some pretensions" to consider the Rio Grande as the western boundary of Louisiana, and still more ground for claiming the Perdido River as its eastern boundary. This was disputed by the Spanish minister at Washington, the Marquis of Casa Yrujo, who indeed protested against the whole Louisiana business on the ground that the United States was purchasing stolen goods; which was substantially true. Jefferson disregarded him, and proceeded to occupy the land. But it is noteworthy that the French government never, either at the time of making the treaty nor at that of making the actual transfer of government, could be prevailed upon to say that West Florida belonged to us. It did assure us, confidentially, that Texas was included in the sale, but was mute concerning West Florida. The Spanish minister, finding himself practically ignored by the state department, harked back to the practices of Genet and other French intriguers of years before, and tried to get the Federalist or opposition press of the United States to wage a campaign in his behalf against Jefferson. But the day for that was past. He had difficulty in getting any American paper to attack its own Government in behalf of a semi-hostile foreign power; and on the protests of our Government he was presently recalled.

Our Government then proceeded with the actual occupation and administration of a part of West Florida. An act of Congress of February, 1804, and a Presidential proclamation of May following, established a United States customs district in the Mississippi territory, north of Mobile. At the same time recourse was had to diplomacy to effect a settlement of the dispute; but unfortunately the negotiations were conducted at Madrid instead of at Washington. The American minister there was Charles Pinckney, of South Carolina, whom Jefferson had appointed in payment for his political services in securing the vote of South Carolina for Jefferson in 1800. But Jefferson apparently now had no further use for him and wanted to get rid of him and send his favorite diplomat, Monroe, in his place. In these circumstances, without support at home, Pinckney could do little. He strove earnestly to get Spain to recognize our title to West Florida, and at the same time to get satisfaction for American claims against Spain on account of Spanish seizure of American vessels and Spanish aid to French privateers during our undeclared war with France in the preceding administration. He succeeded in making a treaty under which Spain was to pay for her own depredations on our commerce but not for those of the French; and he urged that it should be ratified as a partial settlement and as a basis for subsequently pressing the remaining claims. Our Government, however, waited two years before the Senate would ratify this treaty, and by that time the Spanish government refused to accept it. That marked the end of Pinckney's career at Madrid, and Jefferson with avidity sent Monroe to take his place as an active negotiator, though Pinckney nominally remained in the legation.

Monroe reached Madrid in high feather, with expectations of repeating his Paris success, only to discover in a very short time that Pinckney had done all that could be done. Godoy, the Prince of the Peace, was reckless of the issue. Peace or war were all the same to him. He was simply determined to yield nothing to America. In fact, he was no longer the master of Spanish affairs, but was waiting for orders from France. One of his subordinates temporized with Monroe for a time until those orders came. They were unfavorable to America. Having refused itself to declare that West Florida belonged with Louisiana and thus had become the property of the United States, the French government now directed Spain to make no such concession. Indeed, Talleyrand argued openly that we had no claim upon West Florida. The result was that Monroe soon left Madrid in utter failure and a bad temper. Soon after this the American settlers in West Florida attempted a rebellion, with the object of securing their independence of Spain, but the effort ended in failure.

The next move was made in Paris. John Armstrong of New York was now our minister there, and he advised in a letter to Monroe that the United States should send an army into Texas, clear across to the Rio Grande, and thus take possession of that disputed territory. France had told us that it belonged to us as a part of Louisiana, while Spain denied it; therefore, said Armstrong, "A stroke of this kind would at once bring Spain to her senses and France to her rescue, and without giving either room to quarrel.'' Having done that, we could go on to do as we pleased in Florida. This was wise and courageous counsel, but Jefferson regarded it as contradictory to his own policy in Florida, and did not follow it. However, the French government soon realized that it must recede, or cause Spain to recede, from the position which had been taken by Godoy. So a few months later Talleyrand gave Armstrong an unsigned memorandum to be forwarded to Washington, proposing that the United States should reopen negotiations with Spain on the basis of referring the Florida dispute to Bonaparte as arbitrator. It was further proposed by Talleyrand that if Bonaparte should decide that Spain must give up Florida, the United States should pay Spain ten million dollars, relinquish the southern part of Texas, and accept Spanish colonial bills in payment of our claims against Spain for Spanish injuries to our shipping, dropping the claims for French depredations. Armstrong objected that ten millions was too much, whereupon Talleyrand or his messenger said that seven millions would be accepted, and that nearly three millions would be paid in satisfaction of American claims, leaving only about four millions actually to be paid over to Spain.

Armstrong reported this to Madison, with the result that instead of accepting the proposal Jefferson at once prepared to repeat in Florida his former policy in Louisiana. He began talking of war, while quietly working for peace. He reported to Congress in December, 1805, that peaceful and friendly efforts to settle the boundaries of Louisiana had not succeeded, but that Spain had made inroads into the territories of Orleans and the Mississippi—the latter meaning West Florida. He had been compelled to send troops to that region to redress injuries and prevent further aggressions. He therefore asked for a strengthening of the army and navy, including the building of some large battleships, and also for a law forbidding in what he described as that time of ''violence and wrong,'' the exportation of arms and ammunition. This was his public message to Congress. But three days later he sent a secret message, in which he admitted that the former was merely for effect upon Europe, and that in fact there was a good prospect of settling the dispute peacefully, if Congress would only vote him the necessary money, as it had done in the case of Louisiana. Gallatin, the secretary of the treasury, sent to Congress for passage a resolution appropriating two million dollars ''for the purchase of Florida.'' But the temper of Congress had changed since 1803, a strong opposition arose in the President's own party, and it was some time before the passage of the resolution could be secured. Then it was too late. Bonaparte had by this time determined to seize Spain and all her colonies for his own. So all negotiations for Florida, both East and West, were abandoned, Spain remained in possession of those territories, and diplomatic relations between Spain and the United States were suspended for the next ten years.

X

THE SECOND WAR WITH GREAT BRITAIN

THE acquisition of Louisiana gave the United States unquestionable territorial dominance of North America, and in a sense completed the purpose for which in great part these colonies had been founded. Many men had come hither in the seventeenth century to escape the vicissitudes and afflictions of European wars and oppressions, but found themselves still subject thereto because of their continued subjection to European sovereignty. In hope of consummating the desired deliverance in the eighteenth century they achieved political independence, but found the work still imperfect because of the immediate adjacence of vast alien possessions. So in the opening years of the nineteenth century they took those possessions for themselves to such an extent as to leave no potentially hostile power in occupancy of what might be developed into a hostile State; hoping by this third step to perfect their separation from Europe and European affairs. But the hope was vain; necessarily so since America and Europe were on the same globe, their shores washed by the same sea, and their commercial relations growing more and more intimate. Naturally, therefore, we came more and more into touch, either friendly or hostile, with the chief maritime power, Great Britain.

Jefferson's old antipathy toward that country had vanished at the beginning of the Louisiana episode. In the fall of 1802 he had written that "We stand completely corrected of the error that either the Government or the nation of France has any remains of friendship for us"; and in the summer of the next year he added, "We are friendly, cordially and conscientiously friendly, to England." At the same time he had "a perfect horror at everything like connecting ourselves with the politics of Europe." His policy was "peace, commerce, and honest friendship with all; entangling alliances with none." He looked for the day when we should be strong enough to say by what laws other nations should treat us on the sea. Meantime he did not expect so much ill-treatment on the sea from either France or England as had been suffered a few years before. In fact, however, he was disappointed. England and France were at war, in a life or death struggle which was not to end until Waterloo, and neither of them could afford to lose a single point in the tragic game. Neutrality was an empty word to them. *"Inter arma, leges silent."* Each was determined to have the United States, with its great commerce, for an ally, or else to prevent it from trading with the enemy. Both pursued that course, England the more vigorously of the two since she was the more powerful at sea. And after the battle of Trafalgar, in October, 1805, in which England won the undisputed mastery of the seas, American commerce was more victimized by British cruisers than ever before. "No two countries on earth," said Jefferson, speaking of Great Britain and America, "have so many points of common interest and friendship, and their rulers must be great bunglers indeed if, with such dispositions, they break them asunder." But asunder they were broken, and the drift was far and irretrievable in that direction during Jefferson's own administration.

In November, 1804, he confessed that American vessels, even in our own harbor waters, were not safe from British depredations and attacks. A year later he reported to Congress that our coasts were infested and our harbors watched by privateers, some of which committed acts of sheer piracy. "They have captured in the very entrance of our harbors not only the vessels of our friends coming to trade with us, but our own also." Yet at this very same time he also wrote: "We begin to broach the idea that we consider the whole Gulf Stream as of our waters, in which hostilities and cruising are to be prohibited so soon as either consent or force will permit us. We shall never permit another privateer to cruise within it, and we shall forbid our harbors to national cruisers." Jefferson's policy was, however, to avoid war. He believed that all needed pressure could be exerted upon any nation by means of commercial reprisals, and to this policy he now resorted. In the winter of 1805–06 he secured the adoption by Congress of resolutions forbidding the importation of such goods from Great Britain as might be produced at home or be procured from some other country. This so-called Non-Importation Act was for a time used merely as a menace and was not to go into actual effect until November 15 following. That, he vainly hoped, would compel Great Britain to respect our commerce. The answer within a month was the firing upon an American vessel in American coast waters and the killing of one of her men by a British cruiser. Jefferson ordered the offender out of American waters, but was unable to enforce the order, and presently apologized for having made it! So humiliating was the result of his navy-hating policy. He had not yet learned the importance of sea-power as a factor in international transactions. At the opening of Congress in the fall of 1806 he expressed an expectation that before the session closed he would be able to report a complete adjustment of affairs with Great Britain; and two days later he asked for the further suspension of the Non-Importation Act, which had not yet been put into force, although it was to have been applied two weeks before, and this was granted.

Monroe and William Pinckney, who had been sent to coöperate with him, were meanwhile busy with negotiations at London. Their instructions had been to make a treaty under which Great Britain should abandon the impressment of seamen from American ships, repeal certain restrictions upon our trade in the West Indies, and make indemnity for certain seizures. In return for these concessions they were authorized to promise that the Non-Importation Act would not be enforced. But it was impossible to make a treaty on these terms, and so the envoys followed Jay's example and made the best terms they could. They made a treaty which did not mention impressment, though in an appended note the British commissioners promised that care should be taken not to impress *bona fide* Americans and that redress should be given for all injuries inflicted in the taking of British deserters. No indemnity was provided for the seizures, but most of the restrictions were removed from American commerce in the West Indies. It was, moreover, provided that for ten years thereafter the United States would not discriminate against British commerce. This treaty was submitted to Jefferson in March, 1807, and was instantly regarded by him as unacceptable, chiefly because it did not put a stop to the impressment of American seamen by the British navy, which was by far the most galling of our grievances. Now Jefferson was not willing to go to war to stop such outrages, but neither would he seem to condone them by accepting a treaty which passed them over as negligible. So without reporting it to the Senate he sent the treaty back to Monroe with orders to try again on a very different basis. The great British minister, Pitt, meanwhile had died, and the foreign office was occupied by Canning, who was less amicably inclined. The very day after negotiations were resumed, word came that the British ship *Leopard,* in quest of deserters, had fired upon the American cruiser *Chesapeake* in our own coast waters, killing and wounding several men; and had boarded her and carried off four sailors. These men really were deserters from British ships, although three of them were native American citizens. One of these captives was taken to Halifax and hanged as a deserter. The fact is that at this time many Americans did ship as seamen on British vessels, for the sake of profit and adventure; and many of them deserted, largely because of the brutally harsh treatment which prevailed in the British service. But in addition to taking such deserters, the British undoubtedly seized hundreds and perhaps thousands of Americans upon whom they had no claim. Another circumstance which must be considered was that at that time the British government did not concede the right of its subjects to expatriate themselves. Once a British subject, always a British subject, was its rule. Consequently, when Englishmen deserted to America and procured certificates of naturalization, it ignored that procedure and claimed that they were still its subjects. The action of the *Leopard* toward the *Chesapeake* was taken without orders from the British government, upon the personal initiative and authority of the naval commander at Halifax, who instructed his captains to search American ships for deserters and also to permit Americans to search their British ships for deserters from the American service, if they had cause to suspect their presence there. The exceptional violence of this incident, however, interrupted negotiations in London and convulsed America with rage. "Never," said Jefferson, "since the battle of Lexington have I seen this country in such a state of exasperation as at present." Yet he exercised restraint. He anticipated war, but he purposed giving England time for disavowal and reparation, and also giving our own country time for warlike preparations which his own anti-naval policy had incapacitated it for making. A vessel was sent to England with a demand for reparation, and Congress was called together in special session. The outcome of it all was that England, some months later, sent a special envoy over to discuss the matter.

England and France were now increasingly intent upon injuring each other by cutting off supplies of the necessaries of life from neutral countries, and particularly from America. In 1806 the British government declared a blockade of the coast of Europe from the River Elbe to the port of Brest, but let it be known that it would be strictly enforced only between Ostend and Havre. The French government, or the emperor, replied with a decree from the conquered capital of Berlin, declaring a complete blockade of the British Isles and prohibiting all trade and communication with them; though, of course, since the French navy had been practically destroyed, it was impossible for this decree to be enforced. The British retort was an order in council, in January, 1807, forbidding all foreign vessels to trade in European ports which were under French control, or from which British commerce was excluded. Later in that year other orders proclaimed a blockade of all ports from which the British flag was excluded, declared unlawful all trade in articles coming from such ports, and provided that neutral vessels which were warned away from such ports might proceed to some open port on payment of a fee to the British government. To this the French reply was a decree from Milan, to the effect that every neutral ship which submitted to British search, or paid a fee or tax to the British government, or was on the way to a British port, should be seized and confiscated.

Both these policies were severe, as war measures generally are. But those of France were by far the worse. The British policy gave neutral traders fair warning and a chance to go elsewhere with their cargoes. The French policy was that of arbitrary confiscation. An American merchant ship, for example, which was caught by a British privateer, taken into a British port against its will in spite of its resistance, and then released, was seized and confiscated by the French. Others were similarly seized just because they had been spoken at sea by English ships before the French decrees were issued. In some cases vessels were seized while actually entering French ports. While, however, the French policy was by far the more oppressive and unjust, the paucity of French sea power made its enforcement comparatively limited in extent. On the other hand, the vast sea power of England enabled her to enforce her milder orders almost everywhere. The result was that American commerce suffered far more from British than from French interference, and American resentment and wrath rose against Great Britain far more than against France. Certainly American commerce was in a grave dilemma. Our ships must comply with certain regulations or else be seized by British cruisers, while if they did comply with them, they would be subject to seizure by the French. The case might have been described by Lorenzo Dow's epigram on predestination:

"You'll be damned if you do; you'll be damned if you don't."

American commerce was thus confined to our own domestic waters, and even there it was not safe from search and from impressment, as the *Leopard* and *Chesapeake* incident demonstrated. Literally, thousands of American seamen were seized by the British under the pretense that they were British deserters, and many of them were shockingly ill used. The climax seemed to be reached when the British government sent its special envoy, Mr. Rose, a member of the cabinet, to treat on the *Leopard-Chesapeake* incident, but charged him with conditions which made his mission a failure in advance. He came hither, reported his orders, and sailed for home again. Jefferson's reply to these things was a complete embargo. At his behest Congress enacted a law forbidding American vessels to depart from American harbors. The Non-Intercourse Act went into force at the same time. Since England and France would not respect American commerce, and since we were ourselves unable to protect it, our commerce was ordered by act of Congress to go out of existence. This policy might have been justifiable if it had been accompanied with vigorous preparations to give our commerce the protection to which it was entitled. But nothing of that sort was done. The result was that the embargo harmed us a great deal more than it harmed either England or France, and instead of averting war it actually provoked it by greatly embittering the feelings between America and Great Britain. Jefferson himself seemed to realize this, for six months after the establishment of the embargo he declared that the time was not distant when war would be preferable to its continuance. In the fall of 1808 he confessed to Congress that the embargo, his "candid and liberal experiment," had failed of its purpose, and that Congress itself must decide what the future course should be. Meantime we suffered the humiliation of insult added to injury. When Pinckney in London told Canning that the United States would repeal the embargo if England would rescind the orders in council, Canning scornfully replied that he was not minded to change British policy just to help America out of the scrape it had put itself into. As for the French emperor, he ordered the seizure of every American vessel that could be found anywhere, saying that this was out of friendship for the United States, to prevent its ships from sailing in violation of the law! To this state were American commercial relations brought, at the close of Jefferson's administration.

In passing, we must here notice some other features of our foreign relations at this time. In May, 1803, a convention was made between the United States and Great Britain concerning the Canada and New England boundary. In 1804 the Lewis and Clarke expedition was sent to the Oregon coast, to secure for the United States a frontage on the Pacific Ocean, with the vast extension of foreign relations which that implied, and especially with a direct contact and presently something like a clash with Russia over her pretensions in that region. For Russia laid claim to the whole coast down to Bodega Bay in California, a little north of San Francisco, where she planted a garrison in 1806. A treaty was made with Tripoli in 1805, under which American prisoners were ransomed and relations were established between the two countries which continued unbroken thereafter as long as Tripoli remained a sovereign power. It was made as a result of a vigorous attack upon Tripoli by a competent American squadron; a demonstration of the utility of that naval power which Jefferson so much abhorred.

Jefferson's administration was also marked with some interesting negotiations with Russia. On November 11, 1803, Levett Harris, one of Jefferson's Pennsylvania retainers, was appointed consul at St. Petersburg, although there was still no treaty between the two countries, and he soon got himself received at court with "flattering attentions." When the United States frigate *Philadelphia* was stranded at Tripoli and captured, the Russian emperor interposed his good offices for the release of the crew, and for this Jefferson wrote him a letter of thanks. Between Alexander and Jefferson there then arose a strong mutual admiration, and occasional correspondence followed. It was Jefferson's conviction that the friendship of the emperor for the United States was strong and sincere, and that throughout his reign Russia would of all powers on earth be the most friendly to the United States. From these opinions and utterances of Jefferson's arose the legend of Russia's "traditional friendship" for America.

The emperor congratulated Jefferson on his reëlection to a second term, and wrote his regrets at his refusal to be a candidate for a third term. In May, 1808, the Russia foreign minister asked for the negotiation of a treaty regulating trade with the natives of Alaska, but nothing was done at that time. A month later the Russian government appointed Andre Daschkoff consul-general at Philadelphia and chargé d'affaires at Washington, and at about the same time Jefferson sent William Short as minister plenipotentiary to St. Petersburg, to secure the aid of Russia in protecting American commerce against the aggressions of Great Britain and France. This was to be a special mission, not permanent, and Short was sent secretly, without the Senate's knowledge. In Paris, Short met Count Romanzoff, the Russian chancellor and minister for foreign affairs, and discussed intimately with him the relations of the two countries. As winter then came on, he decided to remain in Paris until spring, awaiting news of his confirmation by the Senate and further instructions from Jefferson. But Jefferson did not send the nomination to the Senate until February, 1809, a few days before the end of his administration, and then it was rejected. In consequence Short did not go on to Russia. But before news of this reached St. Petersburg the emperor, assuming that Short's nomination was confirmed, appointed Count Pahlen to be minister to the United States. In June, 1809, Daschkoff arrived at Washington and was received as chargé d'affaires.

One other feature of our foreign relations under Jefferson needs notice, as a reminder of the part which personal and social relations may still play in affairs of State. In his intense democracy Jefferson ignored many of the conventionalities which had prevailed under the Washington and Adams administrations and which, of course, still more prevailed at European courts. He ignored the rules of precedence among official callers, and exercised the free-and-easy hospitality which had been his boast on his Virginia plantation. When Anthony Merry, therefore, called at the White House to present his credentials as British minister, wearing an elaborate court suit, Jefferson received him clad in a much worn, faded, and soiled every-day suit, and wearing a pair of slippers without heels. A little later Jefferson invited Merry to a dinner at which the French chargé d'affaires was present, although England and France were then at war; and when the door of the dining-room was opened, Jefferson took Mrs. Madison on his arm and walked in, leaving his guests to follow helter-skelter and seat themselves at table as best they could. Had Merry been himself a man of good breeding and refined taste, even such extraordinary etiquette would have caused no serious trouble. But he was ill-bred, stupid, and a stickler for every possible formality, and he persisted in regarding Jefferson's conduct as deliberately intended to be insulting to him and to his Government. At about the same time some marked social discourtesies were shown to Monroe in London; and these incidents not only indicated a growing estrangement between the two countries, but actually contributed to its progress in a material degree. The gross result was that in March, 1809, Jefferson retired from the Presidency, leaving the foreign relations of the country in a particularly humiliating and ominous condition.

He was succeeded by Madison, who had been his secretary of state and who was fully committed to a continuance of his policy. To such a course, indeed, Madison pledged himself in his inaugural address: "To cherish peace and friendly intercourse with all nations having corresponding dispositions," and "to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms." But the legacy of European complications which he received from his predecessor was so heavy as to force him to break the peace which he wished to cherish, and to resort to the warfare which he abhorred. The unhappy Merry had been replaced as British minister at Washington by David M. Erskine, who had married an American wife and was strongly inclined toward friendly relations with America. Indeed, he was quite out of sympathy with the Tory government at London, being himself a Whig in politics. Unfortunately he was thus led to give the American government too favorable an impression of British official sentiments toward this country. Still more unfortunately, he got from Gallatin an erroneous idea that Madison was opposed to the embargo policy and was much more kindly disposed toward England than Jefferson had been. Early in 1809 Erskine was instructed by Canning to make if possible a treaty under which the fullest possible reparation should be made for the *Leopard-Chesapeake* affair, provided that America would exclude French and British naval vessels alike and impartially from its waters, and would disavow retention of British deserters and agree not to harbor any more of them. The orders in council were to be rescinded if America would repeal the Non-Importation and Embargo Acts so far as Great Britain was concerned while retaining them for France, and would permit British vessels to capture American vessels which engaged in the prohibited trade with France. Erskine did not show the text of his instructions at Washington, but he gave the substance of them, with most of the harshness omitted and with some rose-color added.

The consequences were disastrous. Deluded into false conceptions of British friendliness, and false expectations of the prompt repeal of the obnoxious orders in council, Robert Smith, our secretary of state—not a good man for the place, by the way—hastened into arrangements with Erskine for the resumption of normal relations between the two countries. Erskine announced that the orders in council would be withdrawn on June 10, 1809, Madison issued a proclamation renewing intercourse with Great Britain, and the vessels which had been lying idle at American wharves were loaded with cargoes and despatched to Europe to reach ports there as soon as the orders were withdrawn. Then came the news from England that, while a former order in council had been withdrawn, a new one declared the ports of Holland, France, and Italy to be still blockaded. It was also announced that the British foreign office repudiated Erskine and all his works and had recalled him from his mission. With admirable fairness, however, Canning said that all American vessels which had been sent out relying upon Erskine's representations should be permitted to go unmolested to their destinations.

Erskine's successor was Francis James Jackson, who was frankly described by Canning to Pinckney as the possessor of all those British characteristics which were sometimes offensive to other nations. Jackson showed himself worthy of this account. He was one of the most arrogant and despotic of men, and he came hither with instructions of the most offensive character. On entering upon negotiations he comported himself in a way which soon gave Madison cause to hint pretty plainly that he must mend his manners if he wished to remain at his post. Jackson replied that he would do as he pleased, and Madison's retort was a curt notification that no further communications would be received from him. Jackson thereupon departed from the capital. He lingered in New England for a time, seeking consolation from political opponents of the administration and hoping that his own Government would support him in the course he had pursued. But it did not, and he presently sailed for home. Soon afterward Smith, who had in this affair shown his unfitness for the state department, was retired and his place was taken by the expert and forceful James Monroe.

While these transactions with England were taking place, French relations were by no means stagnant. The French minister at Washington was General Turreau, and he had been much chagrined over Erskine's negotiations, which he feared would work great harm to France. Armstrong at Paris meantime was suggesting that a repeal of the hostile decrees would be followed by a repeal of our Non-Intercourse Act as applied to France, and he succeeded in securing a new decree to the effect that inasmuch as the United States had obtained revocation of the British orders in council, the Milan Decree should be withdrawn. But hard upon this came the news that the British government had repudiated Erskine's promises, and the French government ordered the confiscation of every American ship that might enter the ports of France, Spain, Italy, or Holland. This decree was never published, but the framing of it brought France and America within measurable distance of war. After much debate Congress early in 1810 enacted a bill repealing the Non-Intercourse Act and authorizing the President to prohibit commerce with either England or France in case the other nation should before March 3 abandon its policy of warring upon neutrals, leaving Americans meanwhile free to trade with both.

There then came on as a prelude to war one of the most extraordinary passages in American history. For a full understanding of it we must consider carefully the conditions of the three countries concerned. The United States was at that time increasing in population, wealth, industries, and commerce at a rapid rate, and it had all the ambition and aggressiveness of an expanding young country. Between 1800 and 1810 our population had increased more than 35 per cent. Four new States had been added to the original thirteen, and half a dozen more territories were preparing for statehood. In the Louisiana Purchase the United States had at last risen to the full self-consciousness of complete nationality; it now demanded in all parts of the world all the privileges of that status; and it was growing more and more impatient and resentful of the restraint which was put upon it by the lingering influences of the old European system.

France was under the absolute autocracy of the Emperor Napoleon, who had subjugated to his control nearly all of the European continent, save Russia, and who was seeking, as the supreme achievement of his life, the conquest of Great Britain, the only power on earth that opposed him with consistent and effective resistance. To compass that conquest he was willing to adopt any measure, and to make any sacrifice. Even at that time, because of the density of its population and the smallness of its area, Great Britain was largely dependent upon foreign commerce with America, and the emperor conceived the idea that if he could interrupt that trade and thus isolate Great Britain from the rest of the world, he could starve the "nation of shopkeepers" into submission. With that end in view he engaged in a policy of characteristic duplicity toward the United States. He sought to avoid the threatened war with this country, which would have been disastrous to him, and therefore instructed his foreign minister, the Duke of Cadore, to tell our minister at Paris, General Armstrong, that the hostile and offensive Berlin and Milan decrees would be abrogated, so far as America was concerned, on and after November 1, 1810; provided that Great Britain meanwhile withdrew her orders in council, or, in default of that, that the United States declared nonintercourse with that country. Thus France would revoke decrees which she was unable effectively to enforce, and in return would either have the blockade of her coasts removed or secure America as an ally. In making this specious proposal, Napoleon was profuse in his expressions of love for America and of desire for its prosperity. Yet at the same time he issued a decree condemning all American vessels which had recently arrived in French ports, and imposing upon all thereafter a vexatious license fee and a system of secret cipher letters by which alone they would be permitted to enter the ports of France. His scheme was to delude America with an appearance of commercial freedom and thus tempt this country into a course which would lead straight to war with Great Britain. Unhappily, our Government fell into the trap. Madison was a man of so transparent integrity that he seemed to be incapable of recognizing duplicity in others. So he took Napoleon's professions at their face value. Believing that all French restrictions upon American commerce had been abolished in good faith, he demanded the same of Great Britain, and, not securing a favorable reply, on November 2, 1810, he proclaimed nonintercourse with that country, beginning on February 2, 1811.

Meantime Great Britain was practically alone in the world, with her back to the wall, fighting for life, and in that desperate conflict she would hesitate at nothing that would be to her advantage. Her Government was in the hands of the Tory party, which consisted largely of landlords and merchants. Now both of these classes were directly benefited by the suppression of American commerce, the merchants because it threw the carrying trade of the world into their hands, and the landowners because the shutting off of American supplies meant higher prices for their own agricultural produce. Under their influence, therefore, the Government was not inclined to move toward freer American trade, but was quite content to let the Non-Intercourse and Embargo Acts prevail until America herself got tired of them. It had little fear of anything worse, partly because of Madison's well-known aversion to war, and partly because it got most of its information of American affairs from sources which were friendly to Great Britain. The American administration party was supposed to be for peace at any price, and the opposition party was composed of sympathizers with Great Britain. Therefore there was nothing to fear. The American minister in London, William Pinckney, did his best to dispel this delusion, but in vain. The British foreign minister was the Marquis of Wellesley, brother of the Duke of Wellington. He was exceedingly friendly toward Pinckney and toward America, but would make no concessions. Indeed, he was probably unable to do so, for the insanity of George III made the establishment of a regency necessary, with a prospect of a complete change of ministry. Moreover, he saw that Napoleon's professed abrogation of the decrees was delusive, and therefore declined to withdraw the orders in council until the decrees were effectively abolished. The result was that in March, 1811, Pinckney came home on leave of absence. For some time the British legation at Washington was in the charge of a secretary, or chargé d'affaires, but now a new and acceptable minister, Augustus J. Foster, was sent to this country, and, as already mentioned, Monroe became secretary of state at Washington.

One other factor of great importance, already referred to, meanwhile entered into the problem. This was the establishment of relations the United States and Russia, the only important continental power that was not in some measure subject to French control. Thus far no treaty had been made between America and Russia. Indeed, Russia had never yet formally recognized American independence, and might have been supposed still to cherish the sympathy with England and the hostility toward America which had been shown during our Revolution. But at the very end of his administration Jefferson had determined to send a minister to Russia. His nominee for that place, as already related, was rejected by the Senate. But soon afterward his successor, Madison, selected for the place the son of Jefferson's old colleague and foe, John Adams. This envoy, John Quincy Adams, still a young man but destined to become one of our greatest statesmen, particularly in foreign affairs, did not go to Russia until the fall of 1809. But then it was his fortune to arrive at the czar's capital at the psychological moment. Indeed, on his way thither he was abruptly plunged into important diplomatic transactions. England and Denmark were then at war, and every ship passing in or out of the Baltic had to endure searching scrutiny. The American merchantman upon which Adams and his family traveled was first overhauled by a British cruiser, and allowed to proceed. A few hours later a Danish cruiser repeated the performance, and ordered the vessel to Christiansand. There Adams found thirty-eight other American vessels, which had been held captive for months, awaiting action of the prize court. Sixteen of them had been condemned, and had appealed to a higher court. The spectacle of these ships thus detained aroused Adams's patriotic wrath and zeal, and he resolved to seek, on his own initiative, relief from such oppression.

Adams's reception by the Russian emperor occurred on November 5, 1809, and it was noteworthy in two respects. One was, that it was the first reception of an American minister by a Russian sovereign, and thus marked for the first time, after more than a quarter of a century of American independence, full recognition of this country by the power which has so often been called our ''traditional friend.'' The other was, that the interview was private, no third person being present. At this interview Adams promptly entered upon the practical business of his mission, especially in soliciting the intervention of the emperor in behalf of American commerce. He represented to him that, because of nonintercourse with most of western Europe, an unusually large proportion of American commerce sought the Baltic ports, and it was a great hardship to have it thus seized. He also reminded the emperor that his predecessor, the Empress Catherine, had given her adherence to the principle of the immunity of neutrals from capture, and on that ground he besought the emperor to vindicate that principle in the seas adjacent to his domain. The emperor responded in a most cordial manner. He expressed strong disapproval of England's maritime policy, and promised to promote so far as possible commerce between his own empire and America. Between these two countries, he said, there was no occasion for jealousy or rivalry, but there was a possibility of mutually advantageous coöperation. He added the interesting remark, doubly interesting in view of his own acts six or seven years later, that it was a wise and just policy for the United States to keep itself disconnected from the politics of Europe and the disturbances to which the countries of that continent were subject; and he pledged himself to do nothing to withdraw the United States from that attitude.

This interview had prompt and highly important results. The emperor had been wavering on the edge of indecision, whether to side with or against Napoleon. If he decided for Napoleon, he would approve the Danish seizures of American commerce and exclude American ships from his ports. If he decided against him, he would be hospitable to American ships and would protect them in the Baltic. Adams's representations turned the scale. Alexander I decided to break with Napoleon and to defy his power, and one of the first results of that decision was a peremptory message to Denmark that the emperor was not pleased with the seizures of American vessels, and wished them to be restored forthwith to their owners; which was done. Following this, an imperial decree was issued, welcoming American commerce to the Russian Empire. A little later, Sweden issued a similar decree. This triumph of Adams's diplomacy was the more noteworthy for the fact that we had at that time no treaty relations whatever with Russia; not even a commercial treaty. We must doubt that the Russian government had any especial love for America, or sympathy with American institutions. It more probably was moved to the course it took by selfish considerations. In the then existing condition of Russia, imports from America were much needed. Also, the emperor was ambitious to pose, in rivalry to Napoleon, as the arbiter of Europe. Indeed, Count Romanzoff frankly told Adams that there were strong prejudices and predilections in Russia in favor of England, and that the Russian government would cultivate relations with America only because it was, in existing circumstances, to its interest to do so. England was arrogating to herself too much authority on the sea, and it was necessary for some other great commercial State to arise as her rival. Russia recognized America to be such a State, and would therefore support her. But, for whatever reason, Russia became at this time, and for a short time, our most useful if not our only active friend in Europe.

It should be recalled in passing that under the treaty of Tilsit, in 1807, Bonaparte had required the exclusion of British commerce from Russia. But Russia had to have foreign trade, such as only Great Britain or America could supply, and she therefore turned to the United States for it. This was displeasing to Bonaparte, who had put American commerce also under his ban, and in order to keep peace with France the Russian government had to resort to false pretenses. It affected to enforce Bonaparte's decrees against American vessels, and in 1810 excluded many of them, or their cargoes, from Russian ports. So shrewdly was this done that Adams was deceived, and made appeals against this ill-treatment; with the result that after some delay his appeals were always granted and the vessels were admitted. But Bonaparte was not deceived. Seeing that Russia was playing him false, on October 23, 1810, he ordered the czar to seize all American ships in his harbors and confiscate their cargoes. On December 1 the czar explicitly refused to do this, and at the end of the same month he issued a decree opening his ports to all non-English vessels. This astonished Adams, and of course greatly gratified him; though he feared that this policy might not prove lasting, since the first principle of Russian policy was, he thought, to keep on good terms with France.

In June, 1811, Adams sought to negotiate a commercial treaty with Russia, and his proposal was at first very favorably received. Romanzoff promised to discuss the matter with him in a few days. But he never did. Adams was piqued, and some time afterward sought an explanation. He was told that in the uncertain and critical state of affairs, with a war with France impending, it was useless to attempt any such negotiations. The fact was that as Russia, in a war with France, would become again an ally of Great Britain, she could not grant to America any commercial privileges which she would not be willing to let Great Britain share. The result was that no treaty was made, though Russia continued to treat America with marked friendship.

The friendship of Russia was, however, of little value to America excepting in the matter of Baltic Sea commerce. It had no effect upon the policies of Great Britain and France, and those policies became more and more obnoxious and oppressive as the great conflict between those countries proceeded toward its culmination. In that struggle, in some respects the greatest that the world had seen for a thousand years, it was not strange that the combatants regarded lightly the rights and interests of the comparatively weak young nation three thousand miles away. Nor, indeed, were they logically censurable for their conduct toward us. We must remember that in their disregard of neutral rights they were simply maintaining the policy and practice which had thitherto been consistently pursued. It was the policy of the United States which was new and strange. We were, in fact, asking Europe to reverse the principles and to abandon the practices which had prevailed for centuries. Doubtless we were right in doing so, for we were leading the world into a better way than the old one, and the world has now come to recognize that fact. But at that time it was too much to expect that the new doctrines would be at once accepted, especially by nations which were engaged in a life or death struggle. Russia and Sweden, not actually involved in that conflict, might take our side; especially since it was to their economic advantage to do so. But for Great Britain and France to do so would have been an anomaly such as we could not expect nations to perform. The result was that, as Everett said in after years, ''from the breaking out of the wars of the French Revolution to the year 1812, the United States knew the law of nations only as the victim of its systematic violation by the great maritime powers of Europe.''

As matters approached their climax, the French government, which had been the more arbitrary and offensive, appeared to assume a conciliatory attitude; largely because the destruction of French power at sea made that nation unable to do us any considerable harm. On the other hand, Great Britain, enjoying almost universal command of the sea, became increasingly aggressive and offensive; in some directions in a quite inexcusable manner. It was bad enough to oppress our commerce and to impress our seamen. But it was worse to foment sedition in our domestic affairs. Yet this was apparently done. The British governor of Canada, Sir James Craig, sent to Boston as a secret agent an Irish adventurer named John Henry, if not to intrigue and conspire for treason at least to ascertain and to report upon the sentiment of New England toward secession from the Union and reunion with England. The mercantile interests of New England were known to be much dissatisfied with the nonintercourse policy, and to be in strong opposition to the administration, and there was apparently a hope on the part of the British governor—possibly of the British government itself, though this was not clear—that an insurrection could be provoked which would result in the secession of New England from the United States and its reannexation to the British Empire. Nor was this an extravagant hope, seeing that some of the foremost New England representatives in both Houses of Congress were openly declaring that it was the right and would probably soon be the duty of those States thus to secede and to dissolve the bonds of the Federal Union. This precious scoundrel, Henry, spent several months in Boston and sent to Craig numerous reports, which were forwarded to the British government in London. The fact that these reports were received there, without rebuke or repudiation, indicated that that government was at least in a receptive mood, and that if it had not authorized this intrigue it was not unwilling to reap the fruits of it. However, when Henry demanded payment for his services as a political spy, to the amount of more than $150,000, the British government refused it and bade him go about his business. His efforts to blackmail Great Britain proving ineffectual, he determined to swindle America. He therefore came hither with a French adventurer who called himself Count Crillon, and who was in fact one of Napoleon's political spies; and the two, acting under the patronage of Serruier, the French minister at Washington, actually persuaded Madison and Monroe to pay them $50,000 for a mass of their papers. It may be added that Crillon speedily swindled Henry out of the entire booty. Madison sent the purchased rubbish to Congress, with a message declaring that it convicted Great Britain of seeking to incite disaffection and foment sedition and secession in New England, with a view of destroying the United States and reannexing a part of it to the British Empire. It was soon perceived that the papers were not nearly so serious or important as that. Nevertheless, much harm was done in the embittering of the public mind against Great Britain. It was, of course, a flagrant offense for a British agent, official or semiofficial, to visit this country on any such errand, and the revelation of his intrigues created a natural and justifiable storm of indignation in this country. The British government also sought to interfere in our policy in West Florida. The United States was intent upon taking and keeping possession of that region, on the theory that it was included in the Louisiana purchase; and it actually and permanently seized it in 1810. Whether our contention was right or wrong was regarded as a question between us and Spain, with France incidentally concerned. Great Britain was held to have no business to meddle in it. But she did so, partly because it was then her policy to champion Spain, and partly because she expected herself to become the owner of all the Floridas.

Another grave charge—and an inexcusable offense, if it was true—was the British incitement of Indian hostilities in the Northwest. The policy of our Government was to secure extensive grants of land from the Indian tribes in Indiana and elsewhere, for opening to agricultural settlement. Unhappily, then as since, our Government was not particularly scrupulous in its dealings with the Indians. It was quite ready to swindle them, and Jefferson himself regarded it as fitting to inveigle them into debt, under pressure of which they would sell their lands at almost any price that was offered. The famous Indian chief Tecumseh, and his brother, the "Prophet," headed an organization against such spoliation of their tribes. They resisted the debauching of Indians with whisky, which was then as since a favorite device of the white men on the frontier, and they organized a large community of Indians of various tribes as agriculturists, to improve the land instead of alienating it or using it merely as a hunting ground. In this laudable and noble endeavor, unfortunately, the Indians fell prey to British traders, who supplied them with arms and ammunition, and incited them to violent resistance to the American government. An American army was sent to the scene, and hostilities occurred. The attack was made by the Indians, though they were obviously unprepared for it and it was contrary to the policy of Tecumseh. The Americans narrowly escaped a serious disaster, and presently withdrew from that region. Blame for the occurrence was laid upon the British for the reason that it was certain that they had provided the Indians with arms and had incited them to violence. There has never been any proof, however, that the British government, or the British governor of Canada, or any one else in authority, was in any way responsible for these wrongs. The British minister and the Governor of Upper Canada made the most positive denials of responsibility, the latter declaring that he had exerted all his influence to restrain the Indians from hostility; and there is no reason for doubting that they spoke the truth. The incitement of the Indians to warfare, and the supplying of arms and ammunition to them, were the acts of individual British traders, intent on sordid gain. But the belief prevailed in this country that the British government itself was behind the work, and that belief naturally intensified popular wrath against Great Britain.

These, then, were the counts in America's indictment of Great Britain: The orders in council, which were oppressive to American commerce and a violation of neutral rights; the impressment of American seamen for service on British vessels; the incitement of Indian hostilities in the Northwest; and unwarranted meddling in American affairs in New England and in West Florida. Had England been well served by her diplomatic representatives in this country, the problem might have been solved peacefully, for Madison was supremely intent upon avoiding war. But it had been badly served by Merry and Jackson, and Foster, in his negotiations with Monroe, was handicapped by ill-advised instructions, and the situation was further complicated by the duplicity of France. Foster was authorized to make and did make the fullest possible reparation for the *Leopard-Chesapeake* affair. But that was of comparatively little importance at this time. Americans were much more interested in the general question of impressment, in the blockades, neutral rights, and the orders in council, and on all these matters Foster was compelled to maintain an unyielding attitude. He threatened retaliation against American commerce if the Nonintercourse Act were not abandoned, and in fulfilment of that threat a million dollars' worth of American shipping was actually seized and condemned. If this policy was harsh and ill-conceived, the attitude of our Government was certainly illogical. It demanded that the British orders in council should be withdrawn on the ground that the French decrees had been abrogated. Yet it knew, as everybody knew, that the French decrees were still being enforced whenever and wherever possible. Monroe would in one breath assure the British minister that the decrees had been completely repealed by France, and in the next he would complain to the French minister that they had not been repealed!

All this was the more unfortunate because there was rising in Great Britain itself a strong demand for an adjustment of the differences with this country. Nonintercourse with America was having a disastrous effect upon British industries and commerce, and pressure was brought to bear upon the Government for a change of policy which would give relief from conditions which were fast becoming intolerable.

France, meanwhile, was unrelenting toward Great Britain and was no less resolute against all who would not side with her against that power. English commerce with the Continent, Napoleon declared, must be abolished. Even the Baltic ports must be closed. American commerce would be permitted, provided it submitted to the requirements of the decrees, which were the "fundamental laws" of the British Empire. But there a new complication arose. British shippers began displaying American flags upon their vessels, in order to enjoy immunity from seizure by the French. Of course, all such were seized whenever they were detected, and the French began seizing American ships too, on the ground that they were suspected of being British in disguise. The demand was made that America should prevent this misuse of her flag by the British, under penalty of being held to sanction it and of being thus regarded as an ally of Great Britain. Practically the United States was required to go to war with Great Britain in order to prevent France from being deceived by a false use of the American flag; or else France would disregard our neutrality and treat us as an ally of her enemy.

When the American Congress met in the fall of 1811, a climax was obviously at hand. The House of Representatives was composed largely of new men, under the leadership of Henry Clay and John C. Calhoun, both young and aggressive men, inclined toward war. They rightly held that the United States as a sovereign power was entitled to the respectful treatment which other powers received; but they were impatient and undiplomatic in the means by which they sought to vindicate that title. The President in his message reported the grievances which the United States was suffering. The reply of Congress was to prepare for war. By dint of a coalition with the Federalists who were opposed to the administration, resolutions were adopted providing for the enlistment of 25,000 men in the regular army, for the arming of the navy, and for the levying of direct taxes in case of war. The British minister, Foster, although cognizant of this action, underrated its signficance. He persisted in reporting to his Government that there was little danger of war; and indeed from one point of view war seemed improbable, for the United States had no army worth considering, its navy was unfinished and lacking equipment, and the Treasury was empty. These circumstances, however, were not the slightest deterrent to the war party. Their idea was to begin war, trusting blindly to the "manifest destiny" of America to provide soldiers, ships, and funds. Madison himself, down to this time the most peaceful of men, became so hot for war that he declared that he would hurl the flag of the country into the ranks of the enemy, confidently trusting to the American people to follow it and to rescue it. The British minister here was blind and deaf to these things, and he kept his Government at home in similar ignorance. In April, 1812, that Government in one letter practically agreed to accept and adopt the American contention that a blockade to be legal must be effective; which has since become a part of the international law of the world. But unfortunately in another letter it declared that the obnoxious orders in council would not be withdrawn until France absolutely and unconditionally withdrew her Berlin and Milan decrees. To do otherwise, it added, would be "utterly subversive of the most important and indisputable maritime rights of the British Empire."

That ended it. The American government regarded this as a definite refusal of its demands. On June 1, 1812, Madison sent a special message to Congress, repeating his complaints against England and asking for a declaration of war. Had there been telegraphic communication across the Atlantic the peace might still have been preserved, for on June 16 the British government announced that the orders in council would be immediately withdrawn. But that was not known at Washington, and two days later, on June 18, the act of Congress declaring war was signed by the President. Neither, of course, was that known in London, and five days later the decree repealing the orders in council was signed and issued.

We need not here follow in detail the course of the war which ensued; a war which was loudly proclaimed in this country to be "a war of the people of America against the Government of England." In fact, it was undoubtedly clamored for by a large part of the American people, and it was probably not desired by the people of Great Britain. But Lord Liverpool was much nearer right when he declared, in the middle of the conflict, that "the war on the part of America had been a war of passion, of party spirit, and not a war of policy, of interest, or of necessity." It is worthy of note that in the act of declaring war no reasons for such action were given. There was just a single sentence, "that war be and the same is hereby declared to exist" between the two countries. The vote in the House was 79 to 49, and in the Senate 19 to 13. Other war measures quickly followed, authorizing privateering and reprisals, and forbidding commerce with the enemy. As for the war itself, it was what might have been expected after such a welter of cross-purposes and precipitate folly. We had an army of fewer than 7,000 men, with few high officers who were both loyal and competent. The chief commander was a colonel of militia far past the age for efficient service; the most active and influential was a traitor who had repeatedly betrayed his country for foreign gold. The natural result was that on the land, with two or three grateful exceptions, our operations were one of the most humiliating and disgraceful of travesties upon warfare. On the water we fared better. Small as our navy was in contrast to the power which had won the mastery of the Seven Seas at Trafalgar, it contained a few good ships, and officers and men not unworthy of the race that had produced in the same generation a Nelson and a Dundonald. The hardy and expert fishermen of New England and the crews of our merchant ships provided more competent recruits for the navy than there were ships to carry them. Moreover, American ingenuity had devised a system of sights upon naval artillery which made the aim of American guns at sea far more accurate and effective than that of those on British ships. For these reasons our navy was able to win a number of exceedingly brilliant engagements, on the sea and on the Great Lakes, for which no praise could be too high. It was indeed a naval victory, the battle of Lake Erie, that redeemed us from utter disaster in our land campaigns and that probably saved us from invasion and sequestration of much of the Northwest Territory. In view, too, of the traditional opposition of America to privateering, it is interesting to recall that such operations were among the most efficient adjuncts to our naval war. American privateers probably did more than the navy itself to bring the British government and nation to a disposition to make peace.

So gross was the failure of our land campaign that its prime object has, for very shame, been consigned to forgetfulness. Yet it is well, for the truth of history, to recall it. The lust of land possessed us. The dream of conquering and annexing Canada deluded us. ''The conquest of Canada,'' cried Clay, ''is in your power. The militia of Kentucky alone are competent to place Montreal and Upper Canada at your feet.'' To this rabid rodomontade, Jefferson, speaking from the retirement of Monticello, added: ''The acquisition of Canada this year as far as the neighborhood of Quebec will be a mere matter of marching, and will give us experience for the attack on Halifax the next, and the final expulsion of England from the American continent.'' No wonder that Randolph of Roanoke with bitterness declared: ''Agrarian cupidity, not maritime right, urges the war.'' Thus beginning with flamboyant visions of universal conquest, America soon had the indelible mortification of seeing its national capital abandoned to the foe with scarcely the firing of a single shot in its defense. We must condemn the British burning of Washington as an inexcusable piece of vandalism, violating the principles of civilized warfare; but we cannot excuse the purblind folly and the foul poltroonery which made it possible. The names of

Miller, and Scott, and Brown, and Jackson, on land; and of Lawrence, Perry, Isaac Hull, McDonough, Rodgers, Porter, Bainbridge, Decatur, and others at sea, won immortal and richly merited renown; while those of William Hull, Winder, Dearborn, Smyth, Van Rensselaer, and above all the unspeakable Wilkinson, incurred imperishable contempt.

One of the salient features of the war was the arising of disaffection little short of treason at home. We have already seen that in New England there was strong opposition to the war and to the whole policy of the administration, and that talk of secession was openly heard, from the lips of some of the foremost public men. We must glance at this for a moment, as a baleful illustration of the reflex influence of foreign relations upon domestic affairs, as also of the extent to which domestic partizanship intruded itself into the foreign affairs of the nation. The opposition to the war and the suggestions of secession increased as the war proceeded and as defeat and disgrace fell too often upon the American arms. At the beginning of the war the great jurist, Joseph Story, expressed the conviction that the leading Federalists meditated a severance of the Union, and that they would make a public avowal of this design as soon as they thought that public opinion would support them in it. Two years later, in the latter part of the war, Pickering, who had been secretary of state, wrote to Gouverneur Morris that "the separation of the northern section of the States would be ultimately advantageous." Finally in 1814 there met at Hartford, Connecticut, a convention composed of delegates officially appointed by the legislatures of Massachusetts, Connecticut, and Rhode Island, and by local authorities in New Hampshire and Vermont, which adopted a series of resolutions calling for amendment and interpretation of the Federal Constitution in accordance with the view of the anti-war party; in default of which it was recommended that another convention be called "with such powers and instructions as the exigencies of a crisis so momentous may require." There can be little doubt that the purpose of the convention was revolutionary, looking straight toward secession. John Quincy Adams declared it to be unconstitutional, treasonable, abnormal, hideous, and wicked—in which he was guilty of extravagant exaggeration. The directors of that convention shrewdly copied their resolutions in large part verbatim from the Virginia resolutions of 1798 which Madison himself had written, and they recalled the fact that Jefferson had spoken in favor of division of the Union and had expressed a hope that twenty years would not be permitted to pass without a rebellion. For the Republicans or Democrats to chide the Hartford Federalists for disloyalty was therefore merely for the pot to call the kettle black. And as a matter of fact, when a report of the proceedings of the convention, which had been held in secret, was finally disclosed, it was seen that there had been no talk of treason. Nevertheless, the convention was generally regarded with severe disapproval, and its members lost and never regained political standing. A committee of the convention was sent to Washington to urge its report upon Congress, but before it could accomplish its mission the triumphant battle of New Orleans was fought and news came of the treaty of Ghent; at which the committee dispersed and went home and the episode ended in a mixture of ridicule and reproach.

Interest in the war and a desire for the restoration of peace were not confined, however, to the actual belligerents. The relations with Russia which John Quincy Adams had established led the Government of that country to observe closely the progress of American affairs. Moreover, only four days after America's declaration of war against Great Britain, France declared war against Russia, and Napoleon began preparing for his march to Moscow, which was effected that summer. This of course made Russia and Great Britain allies, and the Russian emperor therefore regarded the war between his friend, America, and his ally, Great Britain, with much regret. His feelings were indeed more than those of regret. He had a lively fear that America might ally herself with France against the common enemy of both, Great Britain. For this fear there never was any ground. Monroe wrote to Adams on July 1, 1812, that if Russia became involved in war with France, and therefore an ally of Great Britain, there was no reason why the United States should not continue on the best of terms with her even while warring against her ally. Before Adams received this despatch, however, he was called upon by Romanzoff, who brought to him a message from the emperor, expressing much regret at the war between America and England, and offering tentative suggestions of Russian mediation between the two. Adams had received no instructions from Washington to guide him in the matter, but on his own authority he replied that he felt sure that the United States would welcome such action, provided that Great Britain would also accept it. Romanzoff replied that he had already made the suggestion to the British ambassador, who had forwarded it to his Government. A few weeks later Adams received Monroe's despatch about maintaining friendly relations with Russia despite all other complications, and communicated a part of its contents to Romanzoff, who was of course much pleased and, with Adams's not altogether judicious consent, conveyed to the British government the assurance that America would not ally herself with France. Adams then inquired what answer if any the British government had made to the mediation proposal, and was told that it had neither accepted nor rejected it, but had expressed the belief that America would not accept it and the opinion that the time for such action had not yet arrived. Nevertheless it had sent out Admiral Sir John B. Warren with authority to negotiate.

In January, 1813, Daschkoff, the Russian minister at Washington, apparently without official instructions, suggested to Madison that the czar would be glad to mediate; but the President was irresponsive and unsympathetic. A month later Daschkoff renewed the suggestion, under orders from St. Petersburg, and at the same time Madison received from Adams despatches containing the Russian proposals which had been made to him. Madison wished to avoid any clash with Congress over the matter, and so waited until that body had adjourned, in March, when he told Daschkoff that the offer would be accepted. Thereupon, on March 8, Daschkoff reported to Monroe that he had just received orders from Russia to make a formal tender of the emperor's mediation, and three days later Monroe replied, stating that the President formally accepted the offer. Madison and Monroe apparently did not wait to learn the intentions of Great Britain, but precipitately assumed that that country also had accepted the offer. Next they consulted with Jefferson, and on his advice appointed a commission of three members to conduct the negotiations. One, of course, was Adams. The second was

James A. Bayard of Delaware, a Federalist who was chosen in order to give the commission a nonpartizan air. It was intended to select a Western man for the third member in order to give that part of the country representation; but Gallatin, who felt that his services as secretary of the treasury were no longer profitable, asked for the appointment and received it. By this time it was known that the decision of Great Britain had not yet been announced, but Monroe was confident that it would be favorable to the proposed mediation. He instructed the commissioners to explain fully to the Russian government the claims of the United States for neutral rights and the grounds upon which they were based. They were to make no treaty which did not explicitly renounce for Great Britain the rights of search and impressment. In addition, they were to seek a treaty of amity and commerce with Russia, on the basis of reciprocity in the rights of the "most favored nation."

There was then soon made a most extraordinary revelation of deception which had been practised by the Russian government or some of its officers, which had the result of causing great embarrassment and of defeating the negotiations for peace. Romanzoff had assured Adams, and also Gallatin, on the latter's arrival at St. Petersburg, that the offer of mediation had been made to the British government at exactly the same time and in exactly the same manner as to the United States; as of course it should have been. But now it appeared that this had not been done. The offer had not been made at all to the British government, and the first intimation which it had of the project of mediation was conveyed in the report of Admiral Warren, commander of the British fleet in the Chesapeake, that he had granted a passport to the American vessel which conveyed Gallatin and Bayard from Washington to St. Petersburg. The fact that Russia had thus failed to extend the offer of mediation to Great Britain, or even to notify her of it, was in itself sufficient to cause British rejection of the whole scheme. In addition the question of maritime rights, which was fundamental to the war, was considered to be of so vital importance to Great Britain that under no circumstances could she submit it to the arbitration of a third party. The cabinet therefore unanimously resolved not to accept the proposed mediation, and the Russian government was promptly informed to that effect. This information was repeated to the three American commissioners, who thus found that they had nothing to do. They did, indeed, seek the negotiation of a treaty of amity and commerce with Russia, but were told that in the then existing state of European affairs the emperor did not think the time propitious for such negotiations. The emperor also declared that since Great Britain had declined his offer of mediation he would have nothing more to do with the matter. Romanzoff, however, made several further efforts to have the offer renewed, without result. He was indeed himself being at this time discredited and forced out of office, having been replaced in the czar's favor and confidence by Count Nesselrode.

At this juncture, happily, it became known that the British government had expressed its willingness to enter into direct peace negotiations with the United States, without Russian or other mediation, the negotiations to be conducted either at Gothenburg, in Sweden, or in London. This information was withheld from the Americans by Romanzoff as long as possible, and various amazing misrepresentations were made by him both to them and to the British ambassador, justifying the declaration which the latter made to Adams, that the Russian chancellor had been cheating both parties. When the possibility of direct negotiations became known, however, the situation was materially cleared up. The British offer to that effect was not received at Washington until January 3, 1814; though Lord Castlereagh's note conveying it was dated November 4, preceding. It was promptly accepted by Monroe, two days later, and the whole correspondence in the case was laid before Congress. The commission was increased to five in number, by the addition of Henry Clay and Jonathan Russell; and new instructions were issued to it, to suit the new circumstances, authorizing it to proceed to London at its discretion; which it did.

Gallatin and Bayard were the first of the American commissioners to come into touch with the British government, but they arrived in London at an inopportune moment. They reached that capital on April 9, 1814. Two days later Napoleon abdicated the imperial throne of France, and the whole aspect of European affairs was transformed. Great Britain particularly was exultant. Her navy, long mistress of the European seas, was freed from duty there and could be sent in a body to blockade and scourge the American coast. Her veteran army, released from continental wars, could be transferred to Canada for the invasion and conquest of New England; an achievement which the cabinet confidently anticipated. There was a widespread inclination to continue the war until America was crushed. It was seriously purposed to challenge our title to Louisiana, to compel us to relinquish West Florida, to exclude Americans from the fisheries of the Nova Scotia and Newfoundland coasts and from the navigation of the Niagara and St. Lawrence rivers, and to take the northern parts of Indiana and Illinois and all of Michigan and Wisconsin from us, to be erected into an Indian territory under British protection and suzerainty. The British government might have persisted in this course, backed with the military power which had crushed Napoleon, but for two considerations. One was that it had already committed itself to negotiations for peace; and the other, that the general sentiment of its allies on the continent of Europe was opposed to such measures.

Gallatin and Bayard were, however, alarmed and depressed, and wrote to Monroe that they could expect nothing better than to make a treaty which would put things back just where they were before the war, leaving the questions of the blockade, the searching of vessels, and the impressment of seamen as unsettled as ever. At Gallatin's request our minister at Paris tried to make an appeal to the Russian emperor, but was denied any interview with him or with his minister, Nesselrode. Appeal was then made to Lafayette, who was known to be our friend and who was supposed to have much influence with the czar. Lafayette took up the cause with generous zeal, discussed it with the czar in a long interview at the house of Mme. de Staël, and secured from him a promise to do what he could for us when he reached London. Lafayette also got a promise of aid from Humboldt, the Prussian minister at Paris, who had visited the United States on his way home from his scientific researches in Mexico and South America. When the czar went over to London, however, he told Gallatin that he could do nothing for him. He had already made three fruitless efforts in our behalf, and was convinced that Great Britain would not be moved by the intervention of any third power. The fact was that the czar had never had any other than a purely selfish motive in his offer of mediation and his profession of friendship for the United States; and now that it was no longer to his interest to befriend this country, he reversed his policy and became as unsympathetic as he had at first been effusive. He was also already beginning to meditate upon the distinctly and aggressively anti-American policy of the Holy Alliance. This outcome of the Russian mediation proposals was a bitter disappointment to the United States, and the evident duplicity of the Russian chancellor, if not of the czar himself, created a most unfavorable impression. But it was considered to be good policy to say nothing about it and to proceed with negotiations with Great Britain as though nothing had ever been said or done by Russia on the subject. Gallatin urged, meanwhile, upon Clay, who was at Gothenberg, that the negotiations should not be conducted there, but should be transferred to some place more accessible to the continental powers upon whose friendly offices and influence America must rely. London itself would be preferable to so out-of-the-way a spot as Gothenberg. Clay hesitated, being quite unwilling to go to London and fearing that removal from Gothenberg would offend the Swedish government. Finally it was agreed that the negotiations should be conducted on neutral soil at Ghent, and Gallatin set out thither at the beginning of July, 1814, in an almost hopeless frame of mind. He knew, and had warned Monroe, that the British government was preparing to send 20,000 veteran troops to America for the capture of Washington, New York, and other coast cities, and he had no hope of any aid whatever from any other country.

The commissioners met at Ghent on August 8, and between the two sides there was a striking contrast. The five Americans were among the ablest and most resolute men this country then possessed. John Quincy Adams, the chairman, was one of the most masterful statesmen of his time in any country of the world, profoundly versed in all the issues of both European and American diplomacy and without a superior in the world in mental keenness and controversial skill. Gallatin was a man of exceptional ability and of a fine diplomatic temperament, well fitted to counteract the somewhat harsh and arrogant manner of Adams. Clay was a fine representative of the younger element of the West, Russell was an equally good representative of the mercantile interests of New England, and Bayard united in himself the principles of both the great political parties of America. The British commissioners were only three in number. One was Lord Gambier, a naval officer of discreditable repute; Henry Goulbourn, a youthful tyro in diplomacy; and William Adams, an academic jurist. The three had apparently been selected because they were mediocrities and could therefore be trusted to take no initiative but mechanically to reflect the mind of the British ministry.

At the very beginning of the conferences the British commissioners demanded, as prerequisite to further negotiations, the surrender of the Northwest Territories as an Indian domain. The Americans replied with a flat refusal to consider the proposition at all. A deadlock was thus caused, which came perilously near to putting an end to the negotiations before they were fairly begun. It is a matter of uncertainty whether the British government seriously expected this extravagant demand to be granted. It is quite possible that the intention was to create a deadlock, abandon the negotiations, and continue the war. Indeed, the war was actually being continued. Chippewa and Lundy's Lane were fought while the commissioners were proceeding to Ghent, and the British raid upon Washington and Baltimore and the battle of Lake Champlain followed hard upon their first meetings. On the other hand, the unconcealed though pitifully futile attempt of the Americans to conquer and annex Canada warranted the British in seeking a counter-conquest of United States territory. It is not improbable, either, that a design was cherished of making the establishment of a British Indian State on the Upper Mississippi an entering wedge to the British acquisition of Louisiana itself and control of the river all the way to the gulf. Florida would then have been taken in return for the British expulsion of Napoleon from Spain, and the United States, confined to little more than the area of the original thirteen colonies, would be hemmed in at north, west, and south by a British domain.

The negotiations were thus suspended and the American commissioners prepared to leave Ghent and return home to rally a united American nation to a desperate struggle for life itself. Ten days later, however, Lord Castlereagh passed through Ghent on his way to the Congress of Vienna which was to reorganize the continent of Europe, and he gave fresh instructions for the reopening of negotiations. He renewed the demand for relinquishment of territory, which would give the western three of the Great Lakes to Great Britain, and also for cession of the northern and eastern part of Maine so as to give Canada a direct line from Quebec to Halifax; Great Britain was to have full rights of navigation of the Mississippi, and America was to have no naval vessels on any of the Great Lakes. Adams required these propositions to be submitted in writing, and he and Gallatin and their colleagues framed a singularly resolute and forceful reply, the gist of which was that they would not so much as consider, or refer to their home Government, the proposals respecting the relinquishment of territory and the exclusion of our flag from the lakes. The negotiations were therefore again abandoned. Adams packed his trunks for a return to St. Petersburg, Clay planned to go to Paris, Russell prepared to begin his new duties as minister to Sweden, and Gallatin and Bayard turned their faces toward America. On August 31 a messenger was sent to Washington, reporting the failure of the peace negotiations. The news was circulated here when Americans were still exulting over the victories at Lundy's Lane and on Lake Champlain, and when they were exasperated over the burning of Washington and the attack on Baltimore; and it was received with a grim determination to prosecute the war if necessary to the bitter end.

When Castlereagh learned that the negotiations were again broken off he was much concerned, and doubtless realized the error of appointing commissioners who could exericse no discretion and take no initiative. He gave his commissioners a wigging, and issued new instructions, in which he admitted that the questions of the Indian territory, the Canadian boundary, and the control of the lakes had nothing to do with the real issues of war, and that these demands had been made not as a *sine qua non* but merely as a diplomatic offset to the aggressive designs of the United States against Canada and in West Florida.

These demands were therefore to be dropped, and the British government would be satisfied with a guarantee of amnesty to the Indians who had engaged in the war against the United States. With this triumph for the Americans the negotiations were resumed. The next question to be considered was that of the disposition of the lands occupied by the belligerents during the war. The Americans contended that the old boundaries, which existed before the war, should be restored at all points. The British proposed, on the other hand, that new lines should be drawn so as to give each country the territory which was actually in its possession at the time of the making of the treaty. To this latter proposal the Americans replied with a positive refusal, and they added that they would proceed no further with the negotiations excepting on the basis of the territorial *status quo ante bellum.* In this attitude they were strongly encouraged by the news which reached Ghent on that very day of the victory on Lake Champlain, the repulse of the British at Baltimore, and the retreat of Prevost's army.

For a moment the British were inclined to abandon negotiations and enlarge their efforts in the war, and it was actually suggested that the Duke of Wellington should be sent to America either to negotiate peace or to command the army. But Wellington replied that if he came hither he could do nothing in warfare without the control of the lakes, and he saw no way in which that was to be secured; and in respect to peace-making he added that in his opinion the Americans were right in demanding the restoration of the old boundaries. Moreover, affairs at Vienna were not proceeding favorably to the British, talk of Russian intervention was renewed, and the taxpayers of the United Kingdom were grumbling at the prospect of more war bills. The British government therefore reluctantly conceded the American demand and requested the American commissioners to draft a definitive treaty of peace. In this work the Americans had a reasonably free hand. It is true that their original instructions made the complete abandonment of impressments by Great Britain essential. If that was not granted, they were to quit negotiations and return home. Later they were told by Monroe that that point was important but not indispensable. Finally they were told that they might waive that point altogether if they could not otherwise make a treaty for ending the war.

But even with this liberty of action the five American commissioners were much embarrassed by their own strong differences of opinion. Adams and Russell, New Englanders, wanted to insist upon the fishery rights, and cared less about the Mississippi. Clay and Bayard, on the other hand, wanted the British to be excluded from navigating the Mississippi, while they were little interested in the fisheries. The question arose, as a matter of international law, whether the treaty of peace of 1783 was still in force, or whether it had, like other treaties, been automatically voided by the declaration of war. Clay inclined to the latter view, and held that the British rights in the Mississippi had thus been abolished. Adams argued with much force that the treaty of 1783 was of so extraordinary a character that it had survived the incidence of war and was still in force, and that therefore the American rights in the fisheries and the British rights in the Mississippi were still intact. In this Adams was probably right, but Clay could not be convinced, and would listen to no treaty-making which opened or left open the Mississippi to the British. For a time this disagreement threatened the defeat of the negotiations, but in the end the tact and humor of Gallatin composed the controversy, and both Adams and Clay agreed to the making of a treaty which should make no reference to either of those disputed points. A draft of such a treaty was submitted to the British on November 10. At about that time General Jackson was seizing Pensacola in return for the British use of that Spanish Floridan city as their base of operations against Southern Georgia.

The British reply was to throw a firebrand among the American commissioners. They returned the treaty on November 25 with a number of changes, chief among which was the insertion of a specific grant to them of the right to navigate the Mississippi, while no allusion was made to the fisheries. That of course set Adams and Clay at their former dispute, hammer and tongs, and again Gallatin's diplomacy was taxed to restore peace and unity between his colleagues. A proposal to grant the navigation of the Mississippi in return for a grant of the fisheries, which would have restored the conditions which prevailed before the war, was rejected by the British. The Americans then offered to proceed with negotiations under a tacit reservation of all their rights, but refused to have a clause to that effect inserted in the treaty lest it should be interpreted in an undesirable manner.

In the end, all reference to these questions was omitted, and the amazing anomaly was presented, on December 24, of the making and signing of a treaty of peace which did not settle or so much as refer in any way to even a single one of the issues over which the war had ostensibly been declared and fought. Search, impressment, blockade, maritime rights of neutrals, indemnities, and the other matters which had loomed so large at the beginning of the war and for years before, were as completely ignored as though they had never existed. The treaty realized the title of the last chapter of ''Rasselas'': ''The conclusion, in which nothing is concluded.'' It simply provided for peace, for the restoration of all conquests to the *ante bellum* status, for the appointment of commissioners to define disputed boundaries, for the ending of Indian wars, and for the abolition of the slave trade. The last-named provision was not, unfortunately, made really effective for many years thereafter, owing to the fact that its enforcement would have involved the exercise of that right of search which both countries were now desirous of dropping into desuetude. Gallatin had tried to get inserted a provision forbidding the employment of savages in warfare, but this did not appear in the final draft of the treaty.

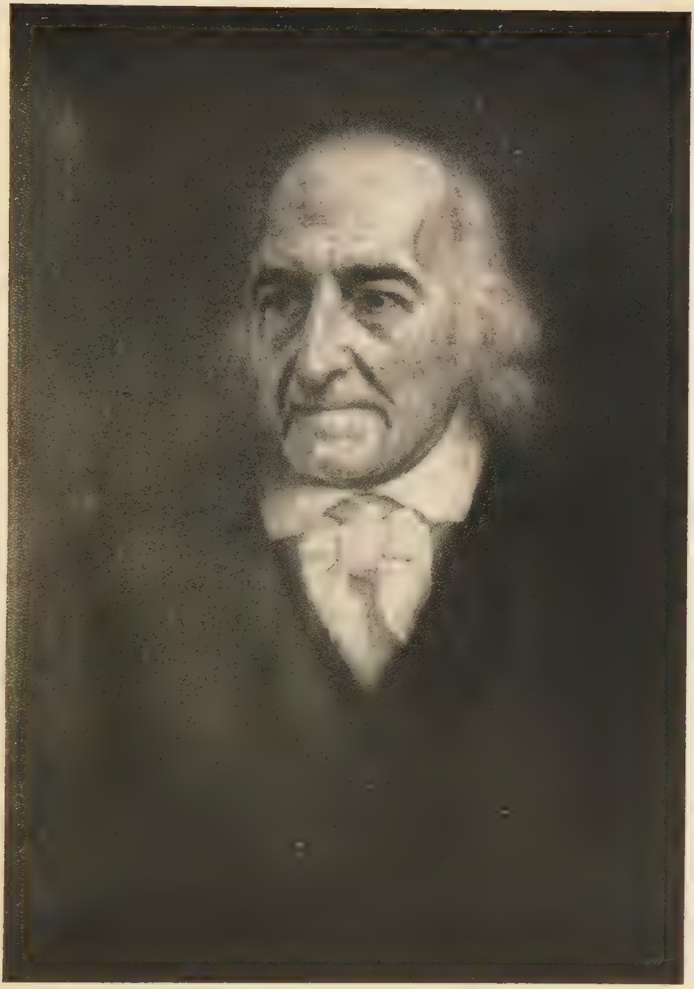
The chief credit for the making of this treaty is due to Gallatin, though his colleagues must all share in it, and even the sometimes acrimonious differences of Adams and Clay, on the whole, contributed to rather than obstructed the gaining of the end. Gallatin described the treaty to Monroe as being ''as favorable as could be expected under existing circumstances, so far as they were known to us,'' and this estimate of it was probably just. Before the news of the signing of it could reach America, the battle of New Orleans was fought and the British there suffered their one really stinging land defeat of the whole war. Indeed, the news of the peace was not known in America until near the middle of February, 1815, when it was received by all parties with a mingling of satisfaction and regret. There was occasion for the administration party to feel humiliated, because of the failure of the high and resounding boasts with which they had begun the war. Their designs for the conquest of Canada had ended in a hopeless fiasco, and most of the land compaigns had been little else than disgraceful. Nevertheless Madison reported to Congress that the treaty ended "with peculiar felicity a campaign signalized by the most brilliant successes." The treaty was submitted to the Senate on February 15 and was ratified two days later. There was an instant response in business and finance, stocks in New York and Philadelphia rising from ten to eighteen points within a week, and the whole country hastening into a general revival of industrial and commercial prosperity. Nor was there less gratification in Great Britain, especially since a few days after the ratification of the treaty Napoleon escaped from Elba and resumed his wars.

It is of interest to recall some authoritative British expressions concerning the proceedings. The Duke of Wellington publicly testified in the House of Lords that the American commissioners in making the treaty "had shown a most astonishing superiority over the British" during the whole of the negotiations. This superiority was undoubted and was very great, but it was scarcely astonishing, seeing that the British government had deliberately and purposely selected three men of not more than third-rate ability. A few years later the British lord chief justice expressed the judicial opinion that the orders in council were not only grievously unjust to neutrals but also, according to the general belief, were contrary to British law and the law of nations. As to our military achievements, while most of those on land were contemptible, the few exceptions to that rule created a profound impression upon the whole world; particularly that *post bellum* battle in which Jackson's rude frontiersmen routed the disciplined veterans of Wellington's Peninsular War; and that impression was strengthened by the brilliant achievements of the few ships which our navy then contained; so that "The London Times" was moved to say of the Americans in 1817: "Their first war with England made them independent; their second made them formidable."

The issues left unsettled by the treaty were, however, numerous and formidable, and some of them were urgent. Among them were the fisheries, the navigation of the Mississippi, West Indian commerce, the northeast and northwest boundaries, and indemnity for slaves carried off by the British during the war. Adams, Gallatin, and Clay soon began negotiations which lasted for two months and resulted in the making of a commercial convention, on July 3, 1815, which was to last for four years, a term which was extended to ten years. Under this convention many of the American demands were ignored or denied. But it was agreed that there should be reciprocal freedom of commerce between the United States and all the European possessions of Great Britain, and that all the discriminating duties and vexatious restrictions of past years should be abolished. The British government refused, however, to extend these conditions to commerce with its West Indian and Canadian possessions, and the East Indian trade was to be open to Americans for only American products or direct importation of East Indian goods to America, and vessels in that trade were forbidden to call at the Cape of Good Hope, St. Helena, or any other British possessions on the way. The consistent and resolute purpose of Great Britain was to retain for herself a monopoly of trade among the various parts of her empire. The result was that the bulk of the West Indian trade, comprising American exports of lumber, cattle, flour, and other food products, remained in British hands. The fisheries question was not touched in the convention, and the British authorities began to act upon the assumption that all American rights had lapsed, and therefore to seize all American fishermen found operating along the coasts without special license, and also to warn them not to approach within sixty miles of the coast—a perfectly indefensible arrogation of sovereignty over the high seas which a few years later led to some sharp correspondence and to vigorous negotiations. But this and the other issues were postponed for action by the next administration.

Despite the unfortunate circumstances attendant upon the Russian offer of mediation, the Russian government expressed itself as much pleased with the making of the treaty of Ghent, and its relations with the United States remained most friendly. In 1815 it offered to secure, through its minister at Constantinople, the good offices of the Sultan of Turkey in the adjustment of relations between America and Algiers on a more satisfactory basis. Daschkoff, at Washington, intimated to Monroe that he had been authorized to negotiate a reciprocity trade treaty with this country, and preparations to that end were begun, when a most unpleasant incident occurred which not only abruptly ended them but also strained the relations between the two countries. This was the arrest, in November, 1815, of Kosloff, the Russian consul-general at Philadelphia, on the atrocious charge of committing rape upon a child of tender years, the penalty for which under American law was death. Kosloff was committed to prison and was there confined over night. The next day he obtained a writ of *habeas corpus,* and as a result was permitted to go on bail, to await trial at the next term of court. Daschkoff at once protested to Monroe that the arrest was a breach of international law and of consular immunity, which was likely to lead to unpleasant complications between the two nations, and two days later he issued a circular letter to all foreign ministers in this country to the same effect. No formal reply was made to Daschkoff's letter, but he was privately assured that the United States district-attorney would see to it that Kosloff's rights under the law of nations were respected.

Indictment by a grand jury followed, and the case came before the trial court. There Kosloff's counsel moved for dismissal on two grounds: First, that the law of nations conferred upon consuls immunity from criminal prosecution; and second, that the Constitution of the United States vested the federal courts with exclusive jurisdiction in all cases affecting consuls. The former ground was obviously untenable. Consular immunity cannot be interpreted as a charter for felony. The second was, however, perfectly valid, and on it the case was dismissed. Kosloff was still under the imputation of crime, however, and Daschkoff demanded that he should be taken before a federal court so that he could prove his innocence. This was obviously a flat contradiction of the former contention of consular immunity. It was denied by the Government, on the ground that rape was an offense at common law over which the federal courts did not have jurisdiction, and that therefore there could be no trial for it before such a tribunal. It was added that if Kosloff wanted a vindication he could seek it by prosecuting the person on whose



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complaint he had been arrested; but this he declined to do. He might also have had a vindication in the state court, had he not set up the plea of its lack of jurisdiction. At this Daschkoff addressed the secretary of state, demanding redress for an outrage against international law, for which, he insisted, the Executive of the United States was responsible. His tone was so intemperate that the President and secretary of state declined to answer his note or to discuss the matter with him. Instead, they sent his note and a full statement of the American side of the case to Nesselrode at St. Petersburg. This communication was first handed to Daschkoff, for him to transmit to his chief. But he refused to do so and returned it, saying that he considered it improper for him to transmit it. Monroe then announced his intention of sending it to Nesselrode by special messenger. A few weeks later, on October 31, 1816, Daschkoff severed diplomatic relations with the United States. He told Monroe that this was done at the command of the emperor who, on learning of the outrage upon his consul-general, had refused to receive Levett Harris, the American chargé d'affaires, and had directed Daschkoff to withdraw from a country where the laws of nations were disregarded and where the representative of a great power was not properly treated.

This extreme action was a great and unwelcome surprise to the American government, which had not anticipated anything of the sort, and which had meantime, in February, 1816, appointed William Pinckney, one of the most accomplished men of the time, to be minister to Russia. It had also instructed Harris, at St. Petersburg, to seek the removal of the Russian consul at Boston for a number of offenses, including that of concealing and protecting from confiscation some British goods which had been captured as prizes in the late war. Nesselrode agreed to the withdrawal of this consul, and then intimated that if the secretary of state would write to him, or if the President would write to the emperor, expressing regret for the treatment of Kosloff, that incident would be ended and new and more acceptable agents of the Russian government would be sent to the United States. There followed some weeks of vigorous controversy between Harris and Count Capo d'Istria, Nesselrode's colleague in the Russian ministry. The latter had by this time been convinced that Kosloff and Daschkoff had acted badly and that the emperor had acted hastily in banishing Harris from court, but he sought some settlement which would not have even the appearance of any humiliation of the emperor. He also strove to stand out for the principle of consular immunity to an extreme degree. Harris, with fine tact and resolution, maintained that the action of the American government had been perfectly correct in all respects, and that the form and degree of consular immunity which had been demanded for Kosloff was unknown to American jurisprudence and could not be considered as admissible. His last word was that the American government had acted with remarkable patience and deference to the emperor, and that it could and would concede nothing more.

At this the Russian government yielded unconditionally, and the incident ended in a complete victory for the United States. Harris was restored to his place at the Russian court, and Pinckney on his arrival was received with all possible distinction, while Daschkoff, in consequence of full revelations of his violent and unreasonable course, was recalled. It was also agreed that thereafter the Russian minister to the United States should be required to live at Washington, instead of at Philadelphia as Daschkoff had persisted in doing. The reception of Pinckney was, indeed, unprecedented. He had an audience with the czar on New Year's day, and at the court ball that evening he was invited within the imperial circle, where the empress talked with him for nearly half an hour. That was the first time that an envoy of less than ambassadorial rank was ever admitted to that circle. In other ways the Russian sovereign also demonstrated uncommon solicitude for the favor of the United States. It was even intimated to Harris, before Pinckney's arrival, that the emperor was desirous of securing the adherence of this country to the compact of the Holy Alliance. The explanation of this course was simple. Russia was at that time finding herself and her policies opposed by Great Britain at every turn, and the emperor aimed at overcoming that hostile power by favoring the only nation which promised to become a successful maritime rival of it. He hoped, indeed, to secure a practical alliance with the United States against Great Britain.

Pinckney was received at the beginning of the year. In May following Baron Tuyll was appointed to succeed the egregious Daschkoff as Russian minister to the United States. Tuyll, like more than one other eminent Russian, was a Hollander by birth and training, and was a diplomat of much ability. On learning of his appointment, and thus the complete restoration of diplomatic relations between the two countries, Pinckney broached the subject of a commercial treaty, which he had been authorized to negotiate. Nesselrode told him that the emperor did not believe in such treaties, considering them unnecessary and actually harmful; and the subject was thereupon dropped. Pinckney also took up the matter of the boundaries of the Russian possessions in America, and while he accomplished nothing in the way of negotiation he learned enough of Russian designs to enable him to warn the Washington government of them. But his health failed, and early in 1818 he returned home, leaving the settlement of the Alaska boundary and the disposition of the United States toward Russia's "Holy Alliance" to be determined by others.

During Madison's administration William Shaler was maintained as our consul-general at Algiers, but in 1815 and 1816 Commodores Bainbridge, Decatur, and Chauncey, on the decks of good fighting ships, conducted our principal negotiations with that country, and secured a new treaty of peace and amity in 1816, under which blackmailing tribute was finally renounced. In 1811, George W. Erving of Massachusetts was sent as minister to Denmark. Following the making of the treaty of peace with Great Britain, John Quincy Adams became our minister to that country, while Gallatin was accredited to France. William Eustis of Massachusetts was sent to the Netherlands; in August, 1814, relations with Spain were resumed by the commissioning of George W. Erving as minister; Thomas Sumter, Jr., of South Carolina was sent as minister to Portugal in 1809; and Jonathan Russell, as already mentioned, was made minister to Sweden (including Norway) in 1814, where he concluded a treaty of amity and commerce in 1816.

XI

OPENING A NEW ERA

ANOTHER new era in foreign relations began with the administration of Monroe, in which the most forceful American diplomat of his time, John Quincy Adams, was secretary of state. There were waiting to be settled some of the unfinished tasks of the former administration, and first among these was the question of the North Atlantic fisheries. The British government was impelled to assume a hostile attitude toward American fishermen chiefly by the rancor of its Canadian subjects, among whom were thousands of loyalists and their children who had been scandalously illtreated and expelled from the United States at the close of the Revolution and who still cherished a bitter and by no means unnatural or unjustifiable resentment against this country. The British contention was that all American rights and privileges in the fisheries had been based upon the treaty of 1783, that the subsequent War of 1812 had automatically annulled that and all other preceding treaties, and that therefore those rights and privileges were no longer existent. The American reply, which Adams urged with convincing force, was that the treaty of 1783 in its very nature was perpetual and was not annulled by the subsequent war, but was still in force. It was that treaty by virtue of which Great Britain recognized the independence and sovereignty of America, and if it had been annulled then Great Britain would in the treaty of Ghent have put herself in the absurd position of negotiating with a power whose independence and sovereignty she no longer recognized. Adams therefore urged that the fishing rights were still unimpaired, just as much as independence itself.

Richard Rush, who had been attorney general of the United States and for a time acting secretary of state, was appointed minister to England, and Gallatin, our minister to France, went over to London to assist him in the negotiations. These envoys were instructed to make, if necessary, some concessions, but not to relinquish the general fishery rights and privileges of this country. The result was a treaty which was signed at London on October 20, 1818, which confirmed an important part of the American rights but renounced others. Americans were to have forever the right to fish along the northern, western, and southern coasts of Newfoundland and the coast of Labrador, and to land, and to cure and to dry fish, on any of the unsettled bays and creeks of those coasts. But they relinquished their rights on all the other coasts and waters of British North America, to wit, New Brunswick, Nova Scotia and Lower Canada, and the eastern coast of Newfoundland; excepting that they still might visit those coasts for shelter in storm, for necessary repairs, and for supplies of wood and water. This arrangement was regarded as quite satisfactory, and was so, for a time; but eventually grave disputes arose concerning the interpretation of the treaty and a final settlement was not effected until the beginning of the twentieth century.

Another question which was dealt with in this treaty of 1818 was the northern boundary of the Louisiana territory. That territory, though repeatedly transferred from one sovereignty to another, had never been accurately defined, either at the north or at the southwest. The watershed between the Mississippi River and its tributaries, at the south, and the Red River of the North and its tributaries, flowing north, was the natural boundary, but it was winding and unsatisfactory, and an arbitrary, straight line was desired. Even the short stretch of boundary between Canada and our Northwestern Territory, from the Great Lakes to the Mississippi River, was undefined. The treaty of 1783, made before that region was surveyed, described it as running from the northwestern extremity of the Lake of the Woods "on a due west course to the River Mississippi." But that was impossible, since the source of the Mississippi was found to lie almost exactly south of that lake. Under the treaty of 1818 the matter was permanently settled by establishing the boundary line along the forty-ninth parallel of north latitude, from the Lake of the Woods to the Rocky Mountains.

Beyond the mountains there was another still more serious boundary dispute, involving the ownership of the vast Oregon

Territory, extending from California to Russian America. Both countries claimed it all. The British based their title upon Captain Cook's visit to that part of the Pacific coast in 1778, upon the explorations of Mackenzie and Vancouver in 1793, upon the establishment of settlements on Nootka Sound which were recognized by Spain in 1790, and upon the existence in that region of various posts of the Hudson Bay Company. The United States based its claim upon the discovery and exploration of the Columbia River by Captain Gray in 1792, upon the overland expedition and exploration of Lewis and Clarke in 1803, and upon the founding of Astoria by John Jacob Astor in 1811 and the restoration of that place to the Americans at the end of the War of 1812, in accordance with the treaty of Ghent. That region was so remote, however, and its value so little developed, that a settlement of the question of ownership was postponed. The treaty of 1818 provided merely that for ten years thereafter the whole region was to be jointly occupied, "free and open to the vessels, citizens, and subjects of the two powers," without prejudice to the claims of either. This arrangement was renewed for a second period of ten years, and a final settlement was not made until 1846.

A third subject of this treaty was that of the claims of American citizens for payment for slaves which had been carried off by the British during the late war. It was agreed that this should be referred for adjudication to some friendly power, and accordingly the emperor of Russia was selected as umpire, and he in 1822 decided that the Americans were entitled to indemnity for whatever losses they could prove they had suffered. This was of much interest, as the first such example of arbitration, or adjudication, in our history. The facts were these: In the War of 1812 the British naval and land forces came into possession of many Negro slaves, some of whom came to them voluntarily as fugitives and some of whom were forcibly seized. The treaty of Ghent provided that "all territory, places, and possessions whatsoever" which had been taken by one party from the other, should be restored, without destroying or carrying away therefrom any artillery or other public property originally captured there and remaining there when the treaty was made, "or any slaves or other private property." The clause was drawn in a slipshod and indefinite way, and its meaning was disputed. The British held that it required the surrender of only such slaves as had originally been taken or found in places seized and were still remaining there; while those who had been removed from the places where they were taken, or who had come to British vessels from other places not occupied by the British, were not to be surrendered or paid for. In brief, the Negroes were to be regarded in precisely the same category as cannon or other inanimate property. The American contention was that slaves and other private property stood in an entirely different light from public property. Thus the stipulation that property was not to be destroyed was obviously inapplicable to slaves.

The matter was much debated, and finally it was agreed to submit "the true intent and meaning" of that clause of the treaty to "some friendly sovereign or State," whose decision should be final and conclusive. The award was made by the Emperor of Russia, on April 22, 1822, and was to the effect that the United States was entitled to the restoration of or payment for all slaves who had been carried away from the places and territories which the British had seized and which were to be restored, but not for any which had been taken from other places. The emperor offered to act as mediator in the further and final settlement of these claims; his offer was accepted, and on June 30, 1822, a convention was concluded providing for the appointment of mixed commissions, each consisting of one commissioner and one arbitrator appointed by each of the two powers, with the Russian minister as an umpire to cast the deciding vote in case of an equal division of the four. These commissions were to ascertain the number of slaves and the amount of other private property taken and the value thereof. The work was not concluded until August 31, 1828, and resulted in the payment by the British government of claims amounting in all to $1,204,960.

An attempt was made by the Americans, in negotiating the treaty of 1818, to secure larger privileges in the West India trade, and to define the northeast boundary between Maine and New Brunswick, and the British tried to insert a clause effectively providing for the regulation or suppression of the African slave trade; but all these failed. The invention of the cotton gin had made the slave system of immense importance to the Southern States, and there was a strong disinclination to interfere with the trade in human chattels. The chief objection by Americans to the British proposal on this subject was, however, based upon the fact that its adoption would assert and confirm that right of search of vessels at sea against which this country had so long and so strenuously protested, and the exercise of which the British had so grossly abused. It is interesting to recall that Adams himself, who later for many years was the chief adversary of the whole slave system, at this time opposed the British request for its suppression. ''It is,'' he said, ''a bare-faced and impudent attempt of the British to obtain, in time of peace, that right of searching and seizing ships of other nations which they so outrageously abused during the war.'' And so, at his direction, the American minister in London refused to negotiate any treaty provision for the suppression of the slave trade. To what extent Adams's biting criticism was warranted—to what extent the British really wanted to suppress slavery, or merely wanted to legalize the right of search—is not confidently to be determined. But the United States was justifiable in refusing to accede to the British proposal; and it showed, moreover, that in doing so it had not been moved by love of the slave trade when, in the next two years, it ordered the seizure of all vessels engaged in that trade and proscribed them as guilty of piracy.

While thus some disputes with Great Britain were settled and others postponed under a *modus vivendi* or otherwise for future settlement, relations with Spain assumed a more strenuous character. The objects of contention were the Floridas, or by this time East Florida alone, since West Florida had been forcibly disposed of in Madison's time. The United States had from the beginning contended that at least half of West Florida, to wit, from the Mississippi to the East Pearl River, now forming a part of the State of Louisiana, was included in the Louisiana Purchase; and in 1810, in anticipation of the admission of Louisiana to the Union two years later, it took possession of that region and never again relinquished it. By that time the territories of Mississippi and Alabama were rapidly reaching a condition which would warrant their admission as States, and it was regarded as essential that they should have frontages upon the gulf. This need was the greater in the case of Alabama, since Mississippi would have a commercial outlet by way of the great river whose name it bore, while Alabama would be entirely inland and would be debarred from direct access to any deep water. In addition, it was felt that it would not be propitious to have those States bordered at the south by alien and potentially hostile territory. For these reasons, and with a firm reliance upon the right of superior might, in 1813 the United States seized that remaining portion of West Florida lying between the Pearl River and the Perdido River, which now forms the southern extremities of the States of Mississippi and Alabama. Spanish protests and British representations were in vain. The law that "they shall take who have the power, and they shall keep who can," was in effective force.

There was thus left to Spain only the territory of East Florida, identical in extent with our present State of Florida, and already American aggressiveness, or prudence, or both, had marked it to share the fate of the smaller western districts. As early as 1803, in the midst of the Louisiana business, Jefferson had declared that as soon as Spain became engaged in another war, Florida or the Floridas would become ours. His attention was chiefly fixed upon West Florida, though he doubtless had East Florida in mind when he spoke of the whole Gulf Stream as belonging to the United States. Indeed, the acquisition of Louisiana made the acquisition of Florida inevitable, since it was intolerable that our commerce between the Mississippi River and the Atlantic should have to skirt for hundreds of miles the shores of an alien country, and should have to pass through a strait both shores of which were held by a foreign, always antagonistic, and sometimes hostile power. Florida, moreover, abutted directly upon the entire southern border of Georgia, which was not pleasant and would not have been pleasant under any circumstances. It was far worse than unpleasant; it was gravely detrimental to our peace, security, and general welfare, in the circumstances which then existed and which were steadily becoming worse. For Florida was the home of Indian tribes which frequently made raids across the border into Georgia. It was the resort of outlaw bands, which committed all sorts of depredations upon

Georgia. It was the refuge of runaway slaves and of absconding criminals. These things made it a serious nuisance, which Spain either would not or could not abate. There was, finally, always present the danger that Spain would transfer Florida to some other power, or that it would be taken from her by some other. Spain herself, in her decadence, could not imperil us, but for Great Britain or France to own Florida and to use it as a base of operations against us, would be a very different thing.

It was with this latter contingency in view that the first specific action toward annexing Florida was taken; at a time in the later Napoleonic wars, when Spain was almost at the mercy of any despoiler. Congress, in secret session on January 15, 1811, adopted the following joint resolution:

"Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce,

"Be it Resolved: That the United States, under the peculiar circumstances of the existing crisis, cannot without serious inquietude see any part of the said territory pass into the hands of any foreign power; and that a due regard for their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declaring that the said territory shall, in their hands, remain subject to future negotiations."

At the same time Congress enacted a law, authorizing the President to take possession of Florida or any part of it in case of any attempt of a European power other than Spain herself to occupy it, using to that end the army and navy of the United States; and it appropriated public funds to the amount of $100,000 for "contingent expenses." In pursuance of this policy the President directed General Matthews, commanding the military forces of the United States in Georgia, to guard against the entry of any foreign power into Florida, and also to sound the people of Florida as to their willingness to be annexed to the United States. Nothing needed to be done at that time; but during the War of 1812, as already related, the western part of Florida was occupied by a British force, which used that Spanish territory as a basis of hostile operations against the United States. Whether this was done with or without the assent of the Spanish government does not appear, nor does it matter. In either case the wrong and menace to the United States of such use of nominally neutral territory were obvious. At the very outbreak of that war Andrew Jackson had suggested the seizure of Florida, and had offered to effect it. His offer was not approved—though neither was it disapproved—by the Government. But toward the close of the war, after the British had used Florida as a base of operations against us, Jackson, then a major-general, led his army thither and drove the British out of Pensacola. Thus was set a precedent for disregarding Spanish sovereignty and neutrality whenever it seemed necessary to do so for the self-protection of the United States. Again, during that war a British officer established a fort on the Appalachicola River, where he remained for some months after the conclusion of peace, gathering thither Indians and runaway slaves and inciting them to hostility against the United States. By falsely telling the Indians that the United States was under obligations to restore to them their former holdings of land in Georgia, he came close to provoking a general Indian war. When at last he departed, he left behind him a considerable Negro and Indian garrison, with stores of ammunition. The place thus remained a danger spot for more than a year; until, since the Spanish authorities would do nothing about it, the United States sent a gunboat thither, which invaded Spanish waters and destroyed the outlaw fort.

While there was a cessation of activities for a few years, there was no improvement in conditions, and early in Monroe's term a vigorous policy was prescribed. Our Government took the consistent and logical view that if Spain could not or would not keep order in her territory so as to prevent its becoming a peril and an actual injury to us, we were under no requirement to respect the sovereignty, but were at liberty to invade her territory whenever it was necessary to do so for our own protection. In 1817 a notorious freebooter named Aury settled on Amelia Island, in the northeastern corner of Florida, and made that place headquarters for himself and a gang of criminal associates in raids upon Georgia. He had formerly been on Galveston Island, Texas, but had been compelled by an American expedition to decamp. Spain had failed to check his criminal activities there, and she similarly failed to interfere at Amelia Island. A United States naval expedition was therefore sent thither, which not only drove him away but also raised the American flag over that piece of Spanish territory and practically annexed it to the territories of the United States. Later in the same year Jackson was directed to proceed with vigor against the hostile Indians on the southern frontier and, if necessary, to follow them across the boundary into Florida. This command was welcome to him, and he replied with a letter to the President in which he said: "Let it be signified to me through any channel that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." Jackson suggested in the letter that the desired intimation might be transmitted to him through one "Mr. J. Rhea," who had for some time been a leader of some American filibusters who were trying to set up a government in Florida and to get it recognized by and admitted to the United States. He called himself "president" of that State. When this letter reached Washington, Monroe was ill, and he did not see it nor even hear of it until a year afterward. But, according to Jackson's subsequent statement, Rhea wrote to Jackson that Monroe had seen it and approved it. It is safe to assume that Rhea did write to that effect, for there is a thousand times better reason for suspecting him than Jackson to have been a liar. Jackson also probably knew of the secret action of Congress and the orders to General Matthews in 1811. He may therefore be believed to have acted in good faith in supposing his offer of conquest to have been approved and in construing the orders of the war department as a hint that the administration would be pleased to have him invade and annex Florida.

At any rate Jackson acted with promptness and vigor. In March, 1818, he was on the Florida frontier. Meantime he had supplies sent around by water, to come to him up the Escambia and Appalachicola rivers, sending word to the Spanish authorities that any interference with their passage through Spanish territory would be regarded as an act of war against the United States. In continuation of this high-handed and arbitrary policy, he advanced across the border to St. Mark's, and seized that place. There he arrested Alexander Arbuthnot, a Scotch trader, whom he charged with complicity in the Indian war; and at Suwanee, some miles away, he seized Robert Ambrister, also a British subject, on a similar charge. The two men were tried, and Arbuthnot was found guilty of inciting the Indians to war, though there was no evidence whatever against him and presumptions were all in his favor, and he was condemned to be hanged. Ambrister was charged with inciting and aiding the Indians to levy war. He made no defense but threw himself upon the mercy of the court. Moreover, he had no legitimate business in Florida, as Arbuthnot had, but was confessedly an adventurer. He was condemned to be shot; then the sentence was commuted to flogging and imprisonment; and finally Jackson disapproved the commutation and ordered him to be shot. Both men were accordingly put to death. Of course this caused much indignation in England. Lord Castlereagh told the American minister that such was the temper of Parliament and of the country that war might have been produced by the holding up of a finger, and an address to the crown in favor of war would have been carried by an almost unanimous vote. The diplomacy of Adams and Rush, however, averted serious consequences.

The Spanish government, through its minister at Washington, Don Luis de Onis, made prompt and vigorous inquiries concerning the invasion of Florida and the seizure of St. Mark's and other places. Were these things done by order or with the sanction of the American government? If yes, the implication was that they would be regarded as acts of war. If no, then the places must be surrendered to Spain, reparation for the insult must be made, and Jackson must be repudiated and punished. He added that all other negotiations would be suspended until satisfaction was given in this matter. In the controversy which followed the French minister at Washington, Hyde de Neuville, acted as a benevolent intermediary. The culmination of it was in a powerful letter which Adams sent in November, 1818, to Erving, the American minister at Madrid, which amounted to an ultimatum to the Spanish government. After reviewing in a scathing manner the provocations which the United States had long suffered, and the failure of Spain to fulfil her treaty obligations and her actual complicity in the outrages, Adams said that the places which had been seized would be restored to Spain as soon as that power would give satisfactory guarantees of good behavior. But Jackson would not be punished nor censured; for even if he had exceeded his orders, he had done so from motives of pure patriotism and had acted according to his conception of a necessity of which he was the best judge. Counter-demands of the United States were presented, especially for the investigation of the conduct of Spanish officials and their punishment for violation of treaty engagements. Then, in his most vigorous style, Adams declared that Spain could not excuse her conduct on the ground of weakness; that the United States could make no more allowance for impotence than for perfidy; and that Spain must immediately make her election, either to place a force in Florida at once adequate for the protection of her territory and the fulfilment of her engagements, or cede to the United States a province of which she retained nothing but the nominal possession, but which was in fact a derelict, open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a point of annoyance to this country. ''We shall,'' he added, ''hear no more apologies from Spanish governors and commandants of their inability to perform the duties of the offices and the solemn contracts of their country. The duty of this Government to protect the persons and property of our fellow-citizens on the borders of the United States is imperative—it must be discharged.''

The purport of this language was unmistakable. The United States government was tremendously in earnest in its vindication of ''the immutable principle of self-defense.'' It was, of course, obvious that Spain was physically incapable of complying with the just demands of this country. Throughout all Spanish America, from Mexico to La Plata, there was rebellion against her sovereignty, which she was quite unable to suppress or even to check. The Madrid government therefore directed De Onis to renew negotiations for the cession of Florida. He did so, with all the coolness and cunning of one of the most astute diplomats of a nation to which diplomacy was second nature. But in the resourceful, imperturbable, and inflexible Adams he found more than his match. Baffled, he turned the matter over to his home government, at Madrid, which presently sent it back to him. An offer of friendly mediation was made by the British government, but Adams declined it; mindful, no doubt, of the British refusal of Russian mediation between Great Britain and the United States half a dozen years before. There was, however, another and a stronger reason for declining it. This was a controversy between America and Spain over exclusively American affairs, in which no other power was concerned, and America and Spain must settle it between themselves. The precedent was established of nonacceptance of European intervention in American controversies.

The outcome was that at last the Spanish pride of De Onis yielded to the Yankee inflexibility of Adams, and on February 22, 1819, a treaty of amity, settlements, and limits was signed. Under it, Spain was to cede the whole of Florida, and also whatever shadowy title she had to Oregon, to the United States. On the other hand, the United States was to recognize the Sabine River instead of the Rio Grande as the southwestern boundary of Louisiana, thus conceding all of Texas to Spain—or to Mexico, since that country was about to establish its independence. Both parties renounced all claims for damages to themselves or their people. The United States was not to pay Spain any price whatever for Florida, but was itself to satisfy the claims of its citizens to the extent of not more than $5,000,000, for damages for which Spain was responsible. On the whole this was an eminently fair settlement. The United States Senate promptly and unanimously ratified it. But the Spanish government declined to do so, unless the United States would recognize as valid a number of extensive grants of public lands in Florida to Spanish noblemen, which were made after the terms of the treaty had been practically agreed upon; and unless the United States would also promise not to recognize the independence of the revolted Spanish colonies in Central and South America, and not to permit aid to be sent to the revolutionists in Texas and Mexico. These things the United States refused to do, and the treaty lapsed. Monroe and Adams thereupon argued that Spain had rejected the treaty upon insufficient grounds, and that the United States would be justified in carrying its provisions into effect just as though it had been ratified by Spain. Congress did not, however, sanction so strenuous a course, and counsels of patience prevailed. Spain sent over another minister, General Vives, in the hope that he could secure better terms, but the hope was vain. Adams was inflexible. He would make no concessions. He would not even enter into a discussion of any. All he would do would be to sign a duplicate of the lapsed treaty, with, however, one addition. That was, that Spain must specifically annul the land grants which she had made in Florida. At the last, General Vives yielded, and the treaty was signed, and was ratified by the Madrid government in October, 1820, and by the United States Senate in February, 1821; though in the latter body it encountered some opposition on personal and factional grounds. This opposition was inspired by Clay, in the House of Representatives, who was angry because Monroe had made Adams instead of himself secretary of state. He urged that the Senate alone could not by treaty renounce Texas, since that territory was property of the United States and the Constitution vested the power to dispose of property not in the President and Senate but in Congress as a whole, including both Houses. The treaty was finally ratified by a vote of 40 to 4.

In two directions the acquisition of Florida had immediate and considerable effects upon our foreign relations. One was to arouse in the United States a keen interest in the island of Cuba. This ''Pearl of the Antilles'' still remained in the possession of Spain, while all her mainland colonies were revolting and establishing their independence. But its situation, almost within sight from the coast of our new territory of Florida, and commanding the southern side of the Florida Channel through which our commerce between the Gulf of Mexico and the Atlantic Ocean must pass, invested it with peculiar importance to this country and caused projects for its annexation to be formed. Nor was it lacking in importance to Great Britain and France. Those powers already possessed considerable holdings in the West Indies, and they were rivals for the reversionary title to the remaining Spanish islands, Cuba and Porto Rico. Each realized that whichever of them should secure those islands would by virtue of that fact become the dominant power in the West

Indies; and they both felt sure that Spain would soon have to relinquish them. This latter belief prevailed widely in the United States, and was by no means unknown in Cuba itself. Indeed, a party was organized in that island in 1822 for the express purpose of securing annexation, and in September of that year direct overtures to that end were made to the American government. Monroe received them cautiously and in a noncommittal manner. He sent a confidential agent to Cuba to observe and report upon conditions there, but gave the annexation movement no direct encouragement.

At this time George Canning became Prime Minister of England, a statesman of exceptional acuteness, vigilance, and aggressive patriotism, devoted to the safeguarding of British interests in all parts of the world. He quickly perceived the trend of affairs in relation to Cuba, and was convinced that the transfer of that island to any other power than Spain would be a matter of vital concern to Great Britain. Learning of the Cuban overtures to the United States, in December, 1822, he brought the subject before his cabinet and suggested that annexation of Cuba by this country would be one of the most serious blows that could be struck at British interests. He made, however, no diplomatic representations in the subject, but sent a considerable naval squadron to the coasts of Cuba and Porto Rico, doubtless with the strenuous purpose of preventing, by force if necessary, any such change in the sovereignty and occupancy of the island. In this he was probably over-anxious, for there is no indication that the American government contemplated any such step, or that it would have essayed it if the island had been left unguarded. On the other hand, Canning's action quickly aroused American concern, and gave rise to a not unnatural suspicion that Great Britain was meditating the seizure or other acquisition of the island. The outcome of that feeling was the writing by Adams of a document which marked the dawn of a new epoch in American foreign policy. This was a letter to Hugh Nelson, of Virginia, who at the beginning of 1823 had succeeded John Forsyth as minister to Spain; Forsyth having succeeded Erving in 1819. It was dated April 28, 1823, and contained official instructions to Nelson as to his conduct in the war which was impending between Spain and France, because of the latter's intervention in behalf of Ferdinand VII. It then continued, on the subject of Cuba, as follows:

"Whatever may be the issue of this war, it may be taken for granted that the dominion of Spain upon the American continents, north and south, is irrevocably gone. But the islands of Cuba and Porto Rico still remain nominally, and so far really, dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands are natural appendages to the North American continent, and one of them, almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West Indian seas, its situation midway between our southern coast and the Island of San Domingo, its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantages, the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such indeed are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity, that in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself. . . . There are laws of political as well as of physical gravitation. And if an apple, severed by the tempest from its native tree, cannot choose but to fall to the ground, Cuba, forcibly disjoined from its unnatural connection with Spain, and incapable of self-support, can gravitate only toward the North American Union, which, by the same law of nature, cannot cast her off from her bosom. The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. . . . The question both of our right and of our power to prevent it, if necessary, by force, already obtrudes itself upon our councils, and the administration is called upon in the performance of its duties to the nation, at least to use all the means within its competency to guard against and forefend it.''

That was in effect a more concrete statement concerning Cuba of the principle which had already been less explicitly yet unmistakably made concerning Florida, and before that concerning Louisiana, to wit, that while Spain might continue to hold her North American possessions, so long as she administered them satisfactorily, they must not pass from her possession to that of any other European power, but upon her relinquishment of them must become the property of the United States. That was the beginning of what presently became perhaps the most important principle of all the American code of foreign policy. In that declaration Adams had general support and little or no antagonism. Jefferson, writing from his retirement to Monroe only a few weeks later, expressed in part the same view, though he coupled it with an unfortunate and quite inadmissible suggestion of an ''entangling alliance''—such as he had formerly deprecated—with Great Britain. He wrote:

''Cuba alone seems at present to hold up a speck of war to us. Its possession by Great Britain would indeed be a great calamity to us. Could we induce her to join us in guaranteeing its independence against all the world, except Spain, it would be nearly as valuable as if it were our own. But should she take it, I would not immediately go to war for it; because the first war on other accounts will give it to us, or the island will give herself to us when able to do so.''

This resolute attitude of the American government served its purpose without being reinforced with any overt act. Spain continued to decline, and her American colonies on the mainland all seceded, leaving to her only the two islands of Cuba and Porto Rico. But no other power ventured to take them from her.

The other direct result of the Florida annexation was felt in a remote quarter, on the shores of the northern Pacific Ocean. In 1808 the Russian government had complained that Americans were conducting a clandestine trade in arms and ammunition with the Indians of the northern Pacific coast, and asked that Congress forbid such practices. This request was not granted, and in 1810 another proposal was made, to the effect that as Russian vessels were not admitted to the Chinese port of Canton, while Americans were, the latter should do the carrying trade from Russian America to China, but should not supply the Indians with powder and arms. This also was refused by John Quincy Adams, then our minister to Russia, on the ground that there had as yet been no satisfactory definition of the extent of Russian territory in North America. The Russian government then proposed, through Daschkoff, its chargé d'affaires at Washington, that the limit of Russian territory should be tentatively fixed at a parallel some degrees south of the southernmost Russian establishment, until a final definition could be effected. This suggestion was rejected by the United States, which also declined to restrain its citizens from trading with the Indians. It held that if the Indians were Russian subjects, Americans were free to trade with them under the penalties operating within that territory. If they were not Russian subjects but independent tribes, then Russia had nothing to say to us on the subject. In any case, the United States was under no obligation to comply with the Russian request; it could not make a treaty on the subject without getting into a controversy with Spain, whose territorial claims extended up that coast to the Russian line, wherever it was; and it would have no further negotiations until the Russian government was ready to fix authoritatively its southern boundary line.

The matter was soon taken up again by Romanzoff with Adams at St. Petersburg, and the Russian chancellor astonished the American minister with the information that his Government claimed the whole coast, down to the Columbia River. Adams refused to discuss seriously so extravagant a claim, but resolved in his own mind to oppose it if ever an attempt should be made practically to assert it; and the subject was then dropped. Thus matters stood when in 1821 in the Florida treaty Spain transferred to the United States all her right and title to the Oregon territory. Her right and title were in fact only nominal; but her formal grant of them was not devoid of value for diplomatic purposes. It gave us that additional confirmation of the rights which we already claimed by virtue of discovery, exploration, and settlement, and this speedily became of practical service to us. A *modus vivendi* had been established with Great Britain, for holding in abeyance her and our rival claims to Oregon. But now Russia reappeared upon the scene as another and more arrogant claimant. The emperor on September 4, 1821, issued a decree claiming, for the Russian-American Company, the entire Pacific coast of America north of the fifty-first parallel of latitude—at about the northern end of Vancouver Island—and forbidding the vessels of all other nations to approach within one hundred Italian miles of that coast. This would have made the whole of Bering Sea and much of the North Pacific a *mare clausum,* from America to Siberia. Adams instantly challenged this decree and refused to recognize it as legitimate or valid, and a spirited controversy followed. Adams recalled the Russian proposal of 1810, and perceived in this attempt at a territorial grant a fulfilment of his apprehensions at that time. Poletica, the Russian minister at Washington, explained that in the Russian view these territorial claims were exceedingly moderate and that Russia might justly demand much more; even to the extent of declaring the whole North Pacific, four thousand miles wide, from the fifty-first degree on the American coast to the forty-fifth on the Asian coast, a closed sea, into which no vessels but Russian might enter. Adams replied that in 1799 the emperor had designated the fifty-fifth parallel of latitude as the southern boundary of his possessions in America. Poletica then referred the matter to St. Petersburg, to be disposed of there; hoping that our minister there, Henry Middleton, would prove less resolute than Adams. But Adams sent stiff instructions to Middleton, which the latter vigorously upheld. He denied Russia's claims to the coast south of the fifty-fifth parallel, and also her claims to the sea beyond the three-mile line. While these negotiations were in progress Poletica was replaced at Washington by Baron Tuyll, and to him on July 17, 1823, Adams bluntly declared that "we should contest the right of Russia to any territorial establishment on this continent, and should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments." This was a further development of the great principle already broached in relation to Cuba, to wit, the hegemony of the United States in the Western Hemisphere; of immense importance in its bearings upon our subsequent relations.

The negotiations were thereafter conducted at St. Petersburg, between Middleton and Count Nesselrode, the Russian minister for foreign affairs, and the former showed himself as resolute as Adams himself in upholding American rights and opposing Russia's extravagant claims. In a formal memorandum Middleton declared that by virtue of the discovery of the mouth of the Columbia River and the real occupation and continued possession of territory, the United States had perfected its title to sovereignty on that coast; that by virtue of the Florida treaty the United States had acquired all of Spain's former rights and title on that coast; that Great Britain had no possession on that coast nor any right to a portion of it except such as she might have acquired from Spain, which was therefore concurrent with the claims of the United States; that Russia and England could therefore make no compact concerning the coast which would affect American rights; and that the United States was willing to recognize Russian title to the coast as far south as the fifty-fifth degree of latitude. This memorandum had, in fact, been sent to Middleton by Adams. Nesselrode submitted it to the emperor, and at a second interview suggested some changes in it, including that of the line of demarcation from the fifty-fifth parallel to that of 54 degrees, 40 minutes. This change was accepted by Middleton at the third interview, and thus that boundary line, which has become historic, was fixed. Further conferences were held, devoted chiefly to discussion of trade and fishery rights, until April 17, 1824, when the first treaty ever made between the United States and Russia was signed by Middleton, Nesselrode, and Poletica. In this convention Russia relinquished all claims upon the coast south of the latitude of 54 degrees, 40 minutes, the southern boundary of Alaska, and recognized the common three-mile limit of her coastal waters. Freedom of trade was to be enjoyed by both nations for ten years, but neither was to traffic with Indians in intoxicating liquors, firearms, or ammunition; and neither power was to search the vessels of the other. With this treaty the Russian-American

Company was greatly displeased, regarding it as a fatal blow to its prosperity. The Russian government itself, however, professed to be much pleased, and to regard it as a triumph for its diplomacy. In fact, the treaty was a great victory for the United States; and it was the more gratifying to this country and to the President personally for the reason that it had been made after the publication in Europe of the Monroe Doctrine with its direct defiance of the schemes of American reconquest which Russia had been foremost in pushing. It was promptly ratified by the Senate, and was proclaimed on January 12, 1825.

It had been expected that as Great Britain was a joint claimant with us in Oregon, and was therefore equally interested in resisting Russian pretensions, she would coöperate with us in making this treaty. But Canning declined to do so. He was unwilling to acknowledge American title to any portion of the Pacific coast. He was not pleased with Adams's notice to Baron Tuyll, not so much in its challenge of Russia's right to any establishment on the coast as in its intimation of resistance to any further colonization of America by European powers; which he interpreted as a menace to Canadian development. He feared that in a tripartite conference Russia and America might unite to force Great Britain into some undesirable course. He also anticipated the possibility of Russia's being so displeased at Adams's declaration and at the Monroe Doctrine as to discontinue negotiations with the United States, an event which might be of advantage to Great Britain. He therefore decided to negotiate separately and independently with Russia. But when the American treaty was made, it excited the envy of the British government and was used by it as the basis of its own subsequent treaty with Russia.

It should be added that in 1823 Middleton undertook another interesting negotiation with Nesselrode. This was to gain Russian adherence to a convention for the perpetual abolition of privateering; the exemption of private goods and vessels from capture in war; the establishment of the principle that "free ships make free goods and persons," and that neutral property is free even when on an enemy's vessel; the making of shipbuilding material noncontraband; and the abolition of the impressment of American sailors. Nesselrode, after much delay, replied that the emperor sympathized with those objects, but deemed it not worth while to make any agreement concerning them until the other great powers were ready to join in "an act which would be a crown of glory to modern diplomacy."

Another great issue in American foreign affairs now began to loom up at the south. Many years before, the patriotic dreamer Miranda, who had served on Washington's staff in our Revolution, had broached the scheme of South American independence, and had won the sympathy and encouragement of Hamilton, but had attained no practical success. The seeds of revolution were planted, however, and as Spain steadily declined in authority these germinated and grew in a fertile soil. The conquest of Spain by Napoleon in 1807 caused a reaction of loyalty and then gave an impetus to the revolution. The colonists were at first inclined to resent the deposition of Charles IV and the imposition of Joseph Bonaparte upon the Spanish throne in his place, and they formed various juntas in the provinces, like those in Spain itself, for resisting the usurper and maintaining the title of Ferdinand VII, the son of Charles. These sought the aid or at least the sympathy of the United States, but in vain. They also sought the recognition of and coöperation with the royalist regency at Cadiz, which was working for the enthronement of Ferdinand VII. But that body with characteristic fatuity refused to recognize them in any way. Thereupon, since Spain would not accept their help in restoring her legitimate sovereign, they decided to have no more to do with her, and to seek independence. When in 1810 Napoleon seemed to be master of Spain, the leading men of Caracas deposed the Spanish colonial officers and organized a "Junta Conservatoria," which presently sent two envoys to the United States, Don Juan Vincente Bolivar and Don Telesforo Ozea, with the announcement that Venezuela had seceded from Spain. During the following two years various papers relating to the independence of Venezuela were presented to our state department, with the result that in his annual message in December, 1811, Madison wrote as follows:

"In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere and extend into our neighborhood. An enlarged philanthropy and an enlightened forecast concur in imposing on the national councils an obligation to take a deep interest in their destinies, to cherish reciprocal sentiments of good will, to regard the progress of events, and not to be unprepared for whatever order of things may be ultimately established.'' This part of the message was referred in the House to a select committee, which required of the secretary of state whether it was known to the Government that any of the Spanish-American provinces ''have declared themselves independent, or that material changes have taken place in their political relations.'' Mr. Monroe in reply transmitted a copy of the Venezuelan declaration, and added: ''This act was communicated to this Government by order of the congress, composed of deputies from those provinces, assembled at Caracas. It is not ascertained that any other of the Spanish provinces have as yet entered into similar declarations; but it is known that most if not all of them on the continent are in a revolutionary state. The progress made in that direction by some of them will best appear in the documents which have already been communicated to you.'' The committee, on December 10, 1811, reported a joint resolution to the effect that the United States beheld ''with friendly interest the establishment of independent sovereignties by the Spanish provinces in America, consequent upon the actual state of the monarchy to which they belonged; that, as neighbors and inhabitants of the same hemisphere, the United States feel great solicitude for their welfare; and that, when these provinces shall have attained the condition of nations by the just exercise of their rights, the Senate and the House of Representatives will unite with the executive in establishing with them, as sovereign and independent States, such amicable relations and commercial intercourse as may require their legislative authority.'' No action on this resolution was taken.

A few weeks after the Congress at Caracas, in May, 1810, a junta at Buenos Aires began a revolution against the Napoleonic usurpation, which was sanctioned by the viceroy; and sent Colonel Don Martin Thompson as an envoy to the United States.

Six years later, on July 9, 1816, a congress at Tucuman declared the United Provinces of the Rio de la Plata to be a free and independent nation. Thereupon Colonel Thompson was superseded as agent of that country by Don Manuel Hermengildo de Aguirre, who also bore semiprivate authority from Chile to purchase ships of war and warlike materials. His commission did not invest him with rank as a public minister, nor did he bear full power to negotiate as such. ''Neither the letter of which he was the bearer, nor he himself, at his first interviews with the secretary of state, suggested that he was authorized to ask the acknowledgment of his Government as independent; a circumstance which derived additional weight from the fact that his predecessor, Don Martin Thompson, had been dismissed for having transcended his powers.'' Such a demand was made by him, however, in a letter of December 16, 1817, which was followed by conferences with the secretary of state. In these conferences he stated, in response to Mr. Adams's inquiries, that the Government whose acknowledgment he desired ''was the country which had, before the revolution, been the viceroyalty of La Plata.'' When asked whether this did not include Montevideo, and the territory occupied by the Portuguese, the Banda Oriental, understood to be under the government of Artigas, and several provinces still in the undisputed possession of Spain, he replied that it did, but that Artigas, though hostile to the Government of Buenos Aires, supported the cause of independence, and that Portugal could not ultimately maintain possession of Montevideo. Mr. Adams stated that any acknowledgment of the Government of La Plata was deemed by the President to be for the time inexpedient.

In advising the President at this time Adams observed that in Venezuela the contending forces seemed to be at a deadlock, in which neither was making progress. ''In this state the independence of Venezuela can scarcely be considered in a condition to claim the recognition of neutral powers. But there is a stage in such contests when the parties struggling for independence have, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when independence is established as a matter of fact so as to leave the chances of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived; and as the belligerent nation has the same right to judge for itself, it is very likely to judge differently from the neutral and to make it a cause or pretext for war, as Great Britain did expressly against France in our Revolution, and substantially against Holland. If war thus results in point of fact from the measure of recognizing a contested independence, the moral right or wrong of the war depends upon the justice and sincerity and prudence with which the recognizing nation took the step. I am satisfied that the cause of the South Americans, so far as it consists in the assertion of independence against Spain, is just. But the justice of a cause, however it may enlist individual feelings in its favor, is not sufficient to justify third parties in siding with it. The fact and the right combined can alone authorize a neutral to acknowledge a new and disputed sovereignty. The neutral may, indeed, infer the right from the fact, but not the fact from the right. If Buenos Aires confined its demand of recognition to the provinces of which it is in actual possession, and if it would assert its entire independence by agreeing to place the United States upon the footing of the most favored nation, I should think the time now arrived when its Government might be recognized without a breach of neutrality."

Material aid was extended to the South American revolutionists unofficially by Great Britain, whose merchants gave money and many of whose army and navy officers gave their services. In 1817, General San Martin, with the aid of the illustrious Dundonald, began the liberation of Chile and Peru. Bolivar, who had dedicated himself to the cause of freedom at the tomb of Washington, achieved with much British aid the independence of the northern part of the continent, and in 1821 Mexico became an independent empire, soon to be transformed into a republic. In the early years of these movements, the relations of South America were far more intimate with Great Britain than with the United States. We were busy, at first quarreling with Great Britain and France and later dealing with Spain in Florida, while Great Britain, seeking to maintain and extend her trade, was playing in South America a part similar to that of

France in the American Revolution. Nevertheless the revolutions at the south did not pass unnoticed. In 1817, being done with our second British war, Madison sent commissioners to South America to see what was going on and to report upon the merits and prospects of the case. These were Cæsar A. Rodney of Delaware, John Graham of Virginia, and Theodoric Bland of Virginia. They were sent specially to the United Provinces of the Rio de la Plata, afterward the Argentine Confederation and Argentine Republic, but were also desired to report so far as possible upon all the other provinces. Their reports were not at once favorable to the recognition of the independence of the revolted provinces, though they indicated that fitness for recognition would probably be attained in the not distant future. Meantime American trade was pushing its way into the ports of those countries and it was soon considered by our Government, early in Monroe's administration, necessary to send commercial agents thither to care for its interests. Between 1817 and 1820 such agents were sent to the chief States of South America, and in addition such vessels as the revolutionists were able to send hither were received in the harbors of the United States and were permitted to enjoy and to exercise the rights of belligerents.

Meantime a strong cleavage of American official opinion arose as to the policy to be pursued by our Government. Adams favored caution and delay. He had no love for Spain, but neither had he much faith in the self-governing capacities of the Spanish colonies. He could see little in common between their cause and that of the United States, and he doubted the right or the morality of our aiding in any way revolutionists who disregarded civil rights and pursued the courses of pirates and freebooters. He recalled the fact that the miscreants of Galveston and Amelia Island had posed as South American patriots. Moreover, he was intent on the Florida negotiations with Spain, and he felt that they would be impeded if not defeated by any marked display of sympathy with the South American revolutionists. He even seemed inclined to act in the matter in cooperation with Great Britain and other European powers, thus contradicting his own policy in respect to North American affairs. In this he was in accord with Monroe, who, as Madison's secretary of state, in December, 1815, had written to Adams, then minister to England, as follows:

"The Revolution which is making rapid progress in South America becomes daily more interesting to the United States. From the best information that we can obtain there is much cause to believe that those provinces will separate from the mother country. Several of them have already abrogated its authority, and established independent Governments. They insist on the acknowledgment of their Governments by the United States, and when it is considered that the alternative is between Governments, which in the event of their independence would be free and friendly, and the relation which, reasoning from the past, must be expected from them, as colonies, there is no cause to doubt in which scale our interest lies. What are the views and intentions of the British government on this important subject? Is it not to the interest of Great Britain that the Spanish provinces should become independent? Will her Government promote it, at what time and under what circumstances? In case of a rupture between the United States and Spain at any future time, what part will Great Britain take in the contest, it being distinctly to be understood that we shall ask, in regard to the Spanish provinces, no privileges in trade which shall not be common to other nations? Spain has long been unfriendly to the United States, and done them positive injuries, for which reparation has been withheld, and her Government still assumes a tone which, in other respects, is far from being satisfactory. The part which the United States may act hereafter towards that power must depend on circumstances. Should the Spanish government persevere in its unjust policy, it might have some influence on our measures, and it would be advantageous to know the views of the British government in these respects."

In August, 1818, as Adams recorded, a formal proposal was made to the British government for a concerted and contemporary recognition of the independence of Buenos Aires, then the only one of the South American States which, having declared independence, had no Spanish force contending against it within its borders; and where independence therefore most unequivocally existed in fact. The British government declined accepting the proposal themselves, without however expressing any disapprobation of it, without discussing it as a question of principle, and without assigning any reason for the refusal, other than that it did not then suit with their policy.

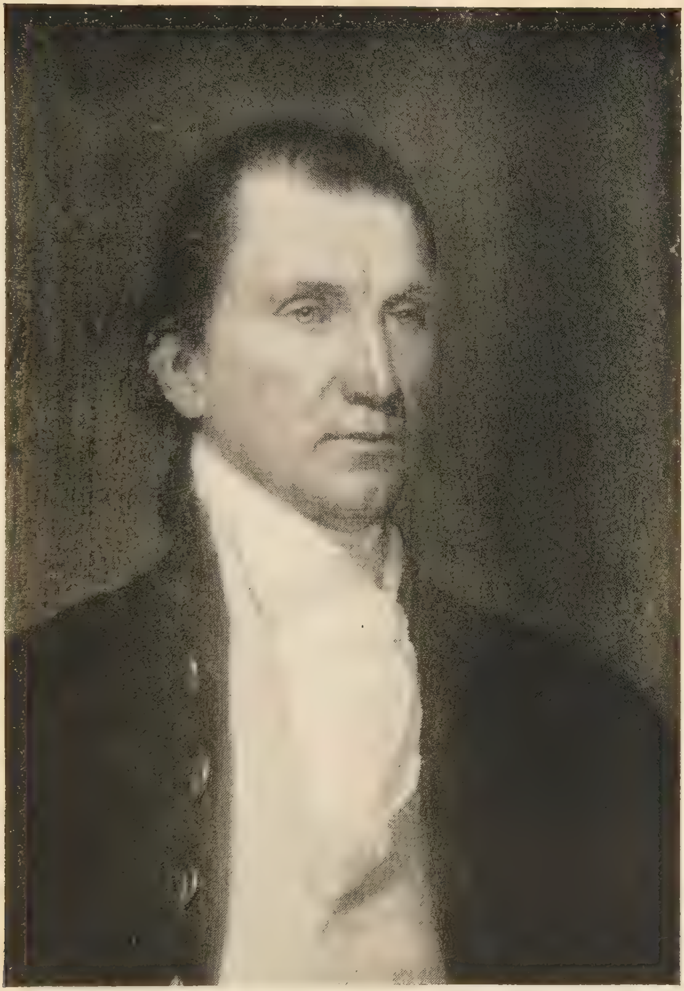
Henry Clay, on the other hand, was a radical advocate of immediate recognition. This was partly because of his Western origin and training, where hatred of Spain was in the very air. It was partly because of his impulsive and enthusiastic disposition. It was also partly because of his enmity toward Monroe and still more toward Adams, and his truculent desire to oppose their policies and embarrass and discredit them. In May, 1818, he made in the House of Representatives a two days' speech in which he exhausted imagination and tore all passions to tatters in an appeal for recognition of the South American republics. The speech was redeemed by its cogent argument for the establishment of an American system, under which those States would be drawn into the sphere of influence of the United States in diplomacy and commerce, rather than that of Europe. His motion for recognition was overwhelmingly defeated, but his speech produced a deep and lasting impression, upon his opponents as well as his friends.

For two years the matter slumbered and then, in May, 1820, Clay broke forth again with another resolution in favor of recognizing the South American States and sending ministers to them. This resolution he supported in a speech less flamboyant than its predecessor but on the whole more forcible and statesmanlike. It was savagely severe toward Adams, whom he charged with subserviency to Great Britain. Indeed, he made that accusation against Monroe himself. He urged again the establishment of an American system which should counteract and oppose the despotic system of Europe and should organize and array the New World against the Old. "We look," he said, "too much abroad. Let us break these commercial and political fetters. Let us no longer watch the nod of any European politician. Let us become real and true Americans, and place ourselves at the head of the American system." The ostensible purport of this was unquestionably correct. It was the true American policy, which was presently adopted, and which has since been consistently maintained. The error in it was that Clay was moved too much by personal jealousy and spite, and by factional rancor, and that he was thus led into gross exaggeration of the attitude of the administration. To charge either Adams or Monroe with truckling to British or European influences, was simply absurd.

Clay had, however, the popular ear and his glowing eloquence was powerful in its appeal. This time his resolution was adopted by the House by a considerable majority, although he was not able to get it through the Senate. In February, 1821, he made another appeal to the House and secured the almost unanimous adoption of a resolution of sympathy with the revolutionists, and of another pledging the House to support the President in recognizing the new republics whenever he should consider such action expedient. This latter resolution was laid before Monroe by a committee of which Clay was the chairman, and the expectation was that it would move him in his forthcoming second inaugural address, on March 4, 1821, to declare for immediate recognition. The President's hand was not, however, thus to be forced.

In his second inaugural address he referred to the South American revolution in cautious and tentative terms, urging that the United States should maintain scrupulous neutrality between Spain and her rebellious colonies. In the following December he referred to the subject in similar tones in his message to Congress. But in March, 1822, with the Florida treaty signed and that territory fully in our possession, an important change in his attitude was made. He sent to Congress a special message on the subject, in which he expressed the opinion that the South American colonies had in fact secured their independence, and that they were certain to retain it. Recognition of that fact should, he said, therefore be made by the United States. Such action, in view of existing circumstances, could not be regarded by Spain as improper, and it would probably have the beneficent effect of shortening the struggle and restoring peace to the southern continent. He therefore asked for an appropriation to defray the cost of sending ministers to the new republics. Congress promptly responded. On March 19, 1822, the house committee on foreign affairs presented a unanimous report, in which, after reviewing the facts and expressing the opinion that "it is just and expedient to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their Governments,'' it proposed that the House ''concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain, which have declared their independence and are in the enjoyment of it, ought to be recognized by the United States as independent nations,'' and that the committee on ways and means be instructed to report a bill appropriating not more than $100,000 ''to enable the President of the United States to give due effect to such recognition.''

On May 4, 1822, an act was approved entitled ''An act making an appropriation to defray the expenses of missions to the independent nations of the American continent.'' By this act the sum of $100,000 was appropriated ''for such missions to the independent nations of the American continent as the President of the United States may deem proper.'' In June following Manuel Torres was received as chargé d'affaires of Colombia. On January 27, 1823, Cæsar A. Rodney of Delaware was commissioned as minister to the Argentine Confederation; Herman Allen of Vermont to Chile, and Richard C. Anderson of Kentucky to Colombia, which then comprised Venezuela and Ecuador. In 1825, Condy Raquet of Pennsylvania was sent to Brazil, John Williams of Tennessee to the Central American States, and Joel R. Poinsett of South Carolina to Mexico; and in 1826, James Cooley of Pennsylvania was sent as minister to Peru.



JAMES MONROE

XII

THE MONROE DOCTRINE

THE title of the Monroe Doctrine is in some respects a misnomer. The impression is given by it that that fundamental principle of American foreign policy originated with President Monroe. That, however, is a grievous error. Monroe did indeed proclaim it to the world in his annual message to Congress in December, 1823, and despite some pretensions to the contrary it was probably he who gave it its verbal form. But the principle had long been in existence, developing and strengthening, and it had received expression from various men on various occasions. Hamilton forecast it, in the Congress of the old Confederation, and in ''The Federalist,'' when he wrote that ''our situation invites and prompts us to aim at an ascendant in American affairs,'' and when he advocated giving aid to South America in throwing off Spanish rule and establishing independent republics; so that these two continents should form a political system of their own, independent of that of Europe. Jefferson, in 1793, writing as secretary of state to Carmichael and Short, our ministers to Spain, made application of the same general theory. Washington, in his Farewell Address, expressed it in much detail, dwelling upon the radical difference between European and American interests. In relation to Louisiana, to Florida, and to Cuba, as we have seen, it was repeated in various ways and phases. It reappeared in terse and vigorous words in Adams's warning to the Russian minister, Baron Tuyll. For thirty-odd years it had been growing into shape and substance, and it needed only an urgent occasion to be crystallized into the imperious form of a national decree.

That occasion was provided by the European powers, in their last vain and fatuous attempt to reduce America to a state of political vassalage. We have already seen how much this country suffered from the intrigues and wars of the Napoleonic era.

At the conclusion of that era a final effort was made to subject America perpetually to that bondage and torment. In that the initiative was taken by Alexander I of Russia, a visionary bigot, seconded by Francis of Austria and Frederick William of Prussia. These monarchs regarded the disturbances which had kept Europe in an uproar for a quarter of a century, and had menaced the security of their own thrones, as the direct results of democratic meddling with the divine right of kings, and they determined so far as in them lay to prevent any further such manifestations of impiety and sacrilege. Accordingly at Paris, on September 26, 1815, they made a compact, which has ever since been called the Holy Alliance, the object of which was to administer government, both domestic and foreign, on a basis of justice, charity, and peace, "in accordance with the precepts of the Gospel of Jesus Christ"; to which end, "looking upon themselves as delegated by Providence" to rule their respective countries, and to seek the happiness and religious welfare of their subjects, they pledged each other their aid and support at all times and in all places. "The sole principle of force," they said, "whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service, and of testifying the mutual good will with which they ought to be animated, to consider themselves all as members of one and the same Christian nation." They also agreed to invite all other sovereigns to join them in these counsels of perfection. This, on the face of it, was a pious undertaking, well worthy of the pretentious name which has been given to it, and not at all deserving of John Quincy Adams's scathing description of it as "a hypocritical fraud," or of Castlereagh's as "sublime mysticism and nonsense."

But it did not maintain that face. Another meeting was held at Aix-la-Chapelle, in October, 1818, which was participated in by the three powers of the Holy Alliance, by Great Britain, which had informally joined them, and also by France. Its first purpose was to provide for the evacuation of France by the allied armies. Then was taken up the general question of the protection of Europe against further revolutionary outbreaks. The Russian emperor, who was present in person, urged "a universal union of guarantee" on the basis of the Holy Alliance, which should maintain all "legitimate" sovereigns on their thrones; and incidentally should force all revolted provinces back under their former rulers. Castlereagh, on behalf of England, stubbornly opposed this and the proposal was dropped after much debate. There was adopted, however, an agreement of the powers to maintain their intimate union "strengthened by the ties of Christian brotherhood," and thus to preserve peace through the respect of treaties. Numerous matters of European interest were acted upon, and the meeting marked the highest point ever reached in the effort to govern Europe through a congress of the powers. What concerns present consideration most is the part which American affairs indirectly played, in causing the British envoy to resist and to defeat the Russian proposal of a universal guarantee of "legitimate" sovereignty. A year before, Great Britain had warned the other members of the Holy Alliance that she would not assist in forcing the revolted Spanish colonies back under King Ferdinand's rule. It was on that ground that Castlereagh opposed the czar's proposal. Ferdinand had appealed to the congress for aid in resubjugating South America. Russia and France were for aiding him, at least to the extent of having England mediate between him and his revolted subjects. This appeal of Spain's was known to Monroe, who in a message to Congress in November, 1818, shrewdly predicted that while the allies at Aix-la-Chapelle might express sentiments favorable to Ferdinand, they would not employ force. What took place was accurately related by John Quincy Adams in a letter to Smith Thompson, the secretary of the navy, on May 20, 1819, as follows:

"It is now well ascertained that, before the congress of the great European powers at Aix-la-Chapelle, their mediation had been solicited by Spain, and agreed to be given by them for the purpose of restoring the Spanish dominion throughout South America, under certain conditions of commercial privileges to be guaranteed to the inhabitants. The Government of the United States had been informed of this project before the meeting at Aix-la-Chapelle, and that it had been proposed by some of the allied powers that the United States should be invited to join them in this mediation. When this information was received, the ministers of the United States to France, England, and Russia were immediately instructed to make known to those respective Governments that the United States would take no part in any plan of mediation or interference in the contest between Spain and South America, which should be founded on any other basis than that of the total independence of the colonies.

''This declaration was communicated before the meeting to Lord Castlereagh, and to the Duke of Richelieu at the congress. It occasioned some dissatisfaction to the principal allies, particularly France and Russia, as it undoubtedly disconcerted their proposed mediation. Great Britain, concurring with them in the plan of restoring the Spanish authority but aware that it could not be carried into effect without the concurrence of the United States, declared it an indispensable condition to her participation in the mediation that there should be no resort to force against the South Americans, whatever the result of the mediation might be. To this condition, France and Russia after some hesitation assented. But they proposed that, if the South Americans should reject the terms of accommodation to be offered them with the sanction of the mediating powers, they should prohibit all commercial intercourse of their subjects respectively with them. To this condition Great Britain declined giving her assent; her motive for which is sufficiently obvious, when it is considered that, after the declaration of the United States, the practical operation of such a nonintercourse between the allies and the South Americans would have been to transfer to the United States the whole of the valuable commerce carried on with them by the merchants of Great Britain. As a last expedient it was proposed that the Duke of Wellington should be sent to Madrid with the joint powers of all the allied sovereigns, to arrange with the Spanish cabinet the terms to be offered to the South Americans, which was again defeated by the duke's insisting that, if he should go, a previous entry should be made upon the protocol at Aix-la-Chapelle that no force against the South Americans was, in any result of his embassy, to be used. But Spain had always connected with the project of the mediation a demand that the allies should ultimately guarantee the restoration of her authority; and, finding that this was not to be obtained, she declined accepting the interposition upon any other terms.

"But while the Government of the United States have thus taken every occasion offered them in the course of events to manifest their good wishes in favor of the South Americans, they have never lost sight of the obligations incumbent on them, as avowedly neutral to the contest between them and Spain."

This failure at Aix-la-Chapelle did not, however, discourage the allies, or at any rate the czar, from the scheme of resubjugating South America. The czar provided Ferdinand with the necessary ships for a great expedition, which was to sail from Cadiz for America at the end of 1819 or the beginning of 1820. But on New Year's day, 1820, a part of the army mutinied, revolution became rampant, and, early in March, Ferdinand was compelled to take oath to support the radical constitution of 1812. Portugal and Naples followed with similar revolutions, and the principles of the Holy Alliance were flouted. The czar was quick to move for vindication of "legitimacy," and wished to intervene in Spain. Austria and Prussia agreed that action ought to be taken. But again Great Britain opposed such reactionary meddling. The result was the calling of another conference at Troppau, at which the five powers of Aix-la-Chapelle were present, but most of the business was done by the three original holy allies in secret sessions. These powers on November 19, 1820, adopted resolutions practically identical with those which Castlereagh had defeated at Aix-la-Chapelle, pledging themselves to support, by force of arms, princes against their insurgent subjects. Later, on December 8, a public declaration was made by the three powers, concerning the measures, "pacific or coercive," which might be employed to force all States under the system of the alliance. This was a direct challenge to Great Britain, to which prompt reply was made in reaffirmation of her former stand. In January, 1821, the congress met again at Laibach, and agreed upon the principle of armed intervention in the affairs of nations which did not conduct themselves to the liking of the allied powers. They also explicitly denounced as null, and disallowed by the public law of Europe, any pretended reform effected by revolt and open force. In 1822 the congress met at Verona, and authorized France to invade Spain, to abolish the constitution and to reëstablish the old Bourbon despotism; promising the aid of other powers if needed. Canning was now at the head of affairs in Great Britain, and he strongly disapproved such coercion of Spain. He accordingly directed the British envoy at Verona, the Duke of Wellington, to oppose the resolution to the bitter end; which was done, but in vain. Intervention in Spain was thus decided upon in spite of England's opposition, and it was made quite clear that if it were successful it would, if possible, be extended to the Spanish colonies in America. The Russian minister of state, Count Nesselrode, in a letter to the Russian chargé d'affaires at Madrid, specifically ascribed the revolution in the colonies to the success of the revolt at Madrid, and declared that all Europe had offered to the King of Spain intervention for the reëstablishment of his authority in those colonies. Nesselrode also addressed to the envoys of the three holy alliance powers at Verona a despatch to similar effect. Incidentally it may be added that the Verona congress adopted an agreement "to put an end to the system of representative governments," and to adopt measures to suppress the liberty of the press. These measures were applicable, of course, only to European countries; but that phrase was interpreted as comprising the colonies of European powers in whatever part of the world.

Powerless to prevent the congress from adopting this course, Canning essayed a counterblast by directing Wellington to raise the question of recognizing the independence of the South American republics. This raised a storm. All the other powers protested. The Emperor of Austria declared that he would never give such recognition until the King of Spain himself had done so, while Russia and Prussia clung to the hope of a restoration of the rebel States to Spanish allegiance. Wellington was resolute, however, and it soon became clear that Great Britain would act on her own initiative in dealing with the South American republics, without regard to the congress. In the spring of 1823 the French invasion of Spain occurred, and Great Britain announced that she would remain neutral only on the condition that France's meddling did not extend to any of the seceding Spanish colonies. Finally, in October of that year, Canning informed the French ambassador in London that while the British government would remain neutral as between Spain and her American colonies, "the junction of any foreign power in an enterprise of Spain against the colonies would be viewed by them as constituting an entirely new question, and one upon which they must take such decision as the interests of Great Britain might require."

Realizing thus his complete separation from the continental alliance, and realizing, also, its antagonism to British principles and British interests, Canning turned to America. In August, 1823, he had a long interview with Rush, the American minister, in which Rush expressed satisfaction in the belief that even if France intervened in Spain, Great Britain would restrain her from meddling with the Spanish colonies. Canning replied with a suggestion that Great Britain and the United States, because of their large common maritime interests and great naval power, ought to coöperate to that end. A few days later, on August 20, Canning wrote to Rush as follows:

"Is not the moment come when our Governments might understand each other as to the Spanish-American colonies? And if we can arrive at such an understanding, would it not be expedient for ourselves, and beneficial for all the world, that the principles of it should be clearly settled and plainly avowed? For ourselves we have no disguise.

"1. We conceive the recovery of the colonies by Spain to be hopeless.

"2. We conceive the question of the recognition of them, as independent States, to be one of time and circumstances.

"3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.

"4. We aim not at the possession of any portion of them ourselves.

"5. We could not see any portion of them transferred to any other power with indifference.

"If these opinions and feelings are, as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world? If there be any European power which cherishes other projects, which looks to a forcible enterprise for reducing the colonies to subjugation, on the behalf or in the name of Spain, or which meditates the acquisition of any part of them to itself, by cession or by conquest, such a declaration on the part of your Government and ours would be at once the most effectual and the least offensive mode of intimating our joint disapprobation of such projects. It would at the same time put an end to all the jealousies of Spain with respect to her remaining colonies, and to the agitation which prevails in those colonies, an agitation which it would be but humane to allay, being determined (as we are) not to profit by encouraging it.

"Do you conceive that, under the power which you have recently received, you are authorized to enter into negotiation, and to sign any convention upon this subject? Do you conceive, if that be not within your competence, you could exchange with me ministerial notes upon it? Nothing could be more gratifying to me than to join with you in such a work, and I am persuaded there has seldom, in the history of the world, occurred an opportunity when so small an effort of two friendly Governments might produce so unequivocal a good, and prevent such extensive calamities."

To this Rush replied three days later. He seems to have thought, in the previous interview, that Canning, if not insincere, was at least not frankly disclosing his real purpose, which, Rush suspected, was not so much to befriend South America as to thwart France and to promote British commercial and political interests, and he had then sought to get Canning to commit himself to immediate recognition of the republics, undiplomatically regardless of European considerations which might make that course inexpedient. But in his correspondence he showed little if any distrust. He wrote:

"The Government of the United States, having, in the most formal manner, acknowledged the independence of the late Spanish provinces in America, desires nothing more anxiously than to see this independence maintained with stability, and under auspices that may promise prosperity and happiness to these new States themselves, as well as advantage to the rest of the world. As conducing to these great ends, my Government has always desired, and still desires, to see them received into the family of nations by the powers of Europe, and especially, I may add, by Great Britain.

"My Government is also under a sincere conviction that the epoch has arrived when the interests of humanity and justice, as well as all other interests, would be essentially subserved by the general recognition of these States.

"Making these remarks, I believe I may confidently say that the sentiments unfolded in your note are fully those which belong also to my Government.

"It conceives the recovery of the colonies by Spain to be hopeless.

"It would throw no impediment in the way of an arrangement between them and the mother country, by amicable negotiation, supposing an arrangement of this nature to be possible.

"It does not aim at the possession of any portion of those communities for or on behalf of the United States.

"It would regard as highly unjust and fruitful of disastrous consequences any attempt on the part of any European power to take possession of them by conquest or by cession, or on any ground or pretext whatever.

"But in what manner my Government might deem it expedient to avow these principles and feelings, or express its disapprobation of such projects as the last, are points which none of my instructions, or the power which I have recently received, embrace; and they involve, I am forced to add, considerations of too much delicacy for me to act upon them in advance. It will yield me particular pleasure to be the organ of promptly causing to be brought under the notice of the President the opinions and views of which you have made me the depositary upon this subject, and I am of nothing more sure than that he will fully appreciate their intrinsic interest, and not less the frank and friendly feelings towards the United States in which they have been conceived and communicated to me on your part. Nor do I take too much upon myself when I anticipate the peculiar satisfaction the President will also derive from the intimation which you have not scrupled to afford me as to the just and liberal determinations of his Majesty's government in regard to the colonies which still remain to Spain."

In transmitting copies of this correspondence to Adams at Washington, Rush expressed his sense of British sincerity, and of the serious importance of the matter, as follows:

"The tone of earnestness in Mr. Canning's note, and the force of some of his expressions, naturally start the inference that the British cabinet cannot be without its serious apprehensions that ambitious enterprises are meditated against the independence of the South American states. Whether by France alone I cannot now say on any authentic grounds."

On the same day on which Rush wrote to Canning, as above, Canning wrote to Rush a brief note as follows:

"Since I wrote you on the 20th, an additional motive has occurred for wishing that we might be able to come to some understanding on the part of our respective Governments on the subject of my letter; to come to it soon, and to be at liberty to announce it to the world.

"It is this. I have received notice—but not such a notice as imposes upon me the necessity of any immediate answer or proceeding—that as soon as the military objects in Spain are achieved (of which the French expect, how justly I know not, a very speedy achievement) a proposal will be made for a congress, or some less formal concert and consultation, especially upon the affairs of South America. I need not point out to you all the complications to which this proposal, however dealt with by us, may lead."

Those were days of slow communications across the Atlantic, and Canning realized that weeks must elapse before any word could be received from Washington. Such delay might prove disastrous. So he decided to act alone, without waiting for an opportunity to make a joint or identical declaration with the United States. On October 9 he informed the French ambassador:

"That the British Government were of opinion that any attempt to bring Spanish America again under its ancient submission to Spain must be utterly hopeless; that all negotiations for that purpose would be unsuccessful, and that the prolongation or renewal of war for the same object would be only a waste of human life, and an infliction of calamity on both parties to no end.

"That the British Government would, however, not only abstain from interposing any obstacle, on their part, to any attempt at negotiation which Spain might think proper to make, but would aid and countenance such negotiation, provided it were founded upon a basis which appeared to them to be practicable, and that they would in any case remain strictly neutral in a war between Spain and the colonies, if war should be unhappily prolonged.

"But that the junction of any foreign power in an enterprise of Spain against the colonies would be viewed by them as constituting an entirely new question, and one upon which they must take such decision as the interests of Great Britain might require. . . .

"That, completely convinced that the ancient system of the colonies could not be restored, the British Government could not enter into any stipulation binding itself either to refuse or to delay its recognition of their independence.

"That the British Government had no desire to precipitate that recognition so long as there was any reasonable chance of an accommodation with the mother country by which such a recogntion might come first from Spain.

"But that it could not wait indefinitely for that result, that it could not consent to make its recognition of the new States dependent upon that of Spain; and that it would consider any foreign interference, by force or by menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter without delay."

It may here be added that on January 30, 1824, Canning instructed the British ambassador at Madrid to explain the reasons of Great Britain for refusing to enter into the proposed conference of European powers at Paris. Great Britain, he said, would prefer Spain "to have the grace and the advantage" of leading the way in recognizing the new States; but recognition could not in any case be much longer postponed.

The correspondence between Rush and Canning was received by Monroe in October, 1823, and was promptly referred to Jefferson, for consideration and advice. "My own impression," said Monroe, "is that we ought to meet the proposal of the British government, and to make it known, that we would view an interference on the part of the European powers, and especially an attack on the colonies by them, as an attack on ourselves, presuming that if they succeeded with them they would extend it to us." To this Jefferson replied as follows:

"The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom.

"One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition, we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one or all on earth; and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars.

"But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake such a war, for how would they propose to get at either enemy without superior fleets? Nor is the occasion to be slighted which this proposition offers of declaring our protest against the atrocious violations of the rights of nations by the interference of any one in the internal affairs of another, so flagitiously begun by Bonaparte and now continued by the equally lawless alliance calling itself holy.

''But we have first to ask ourselves a question. Do we wish to acquire to our own confederacy any one or more of the Spanish provinces? I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our well-being. Yet, as I am sensible that this can never be obtained, even with her own consent, but by war, and its independence, which is our second interest (and especially its independence of England), can be secured without it, I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association, at the expense of war and her enmity.

''I could honestly, therefore, join in the declaration proposed, that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose with all our means the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession or acquisition in any other way. I should think it, therefore, advisable, that the Executive should encourage the British Government to a continuance in the dispositions expressed in these letters by an assurance of his concurrence with them as far as his authority goes; and that as it may lead to war, the declaration of which requires an act of Congress, the case shall be laid before them for consideration at their first meeting, and under the reasonable aspect in which it is seen by himself.''

A similar request for Madison's advice elicited from him a similar response:

''From the disclosures of Mr. Canning it appears, as was otherwise to be inferred, that the success of France against Spain would be followed by an attempt of the holy allies to reduce the revolutionized colonies of the latter to their former dependence.

"The professions we have made to these neighbors, our sympathies with their liberties and independence, the deep interest we have in the most friendly relations with them, and the consequences threatened by a command of their resources by the great powers, confederated against the rights and reforms of which we have given so conspicuous and persuasive an example, all unite in calling for our efforts to defeat the meditated crusade. It is particularly fortunate that the policy of Great Britain, though guided by calculations different from ours, has presented a coöperation for an object the same with ours. With that coöperation we have nothing to fear from the rest of Europe, and with it the best assurance of success to our laudable views. There ought not, therefore, to be any backwardness, I think, in meeting her in the way she has proposed, keeping in view, of course, the spirit and forms of the Constitution in every step taken in the road to war, which must be the last step if those short of war should be without avail.

"It cannot be doubted that Mr. Canning's proposal, though made with the air of consultation, as well as concert, was founded on a predetermination to take the course marked out, whatever might be the reception given here to his invitation. But this consideration ought not to divert us from what is just and proper in itself. Our coöperation is due to ourselves and to the world; and whilst it must ensure success in the event of an appeal to force, it doubles the chance of success without that appeal. It is not improbable that Great Britain would like best to have the merit of being the sole champion of her new friends, notwithstanding the greater difficulty to be encountered, but for the dilemma in which she would be placed. She must, in that case, either leave us, as neutrals, to extend our commerce and navigation at the expense of hers, or make us enemies, by renewing her paper blockades and other arbitrary proceedings on the ocean. It may be hoped that such a dilemma will not be without a permanent tendency to check her proneness to unnecessary wars.

"Why the British cabinet should have scrupled to arrest the calamity it now apprehends, by applying to the threats of France against Spain the small effort which it scruples not to employ in behalf of Spanish America, is best known to itself. It is difficult to find any other explanation than that interest in the one case has more weight in its casuistry than principle had in the other.

"Will it not be honorable to our country, and possibly not altogether in vain, to invite the British Government to extend the 'avowed disapprobation' of the project against the Spanish colonies to the enterprise of France against Spain herself, and even to join in some declaratory act in behalf of the Greeks? On the supposition that no form could be given to the act clearing it of a pledge to follow it up by war, we ought to compare the good to be done with the little injury to be apprehended to the United States, shielded as their interests would be by the power and the fleets of Great Britain united with their own. These are questions, however, which may require more information than I possess, and more reflection than I can now give them.

"What is the extent of Mr. Canning's disclaimer as to 'the remaining possessions of Spain in America'? Does it exclude future views of acquiring Porto Rico, etc., as well as Cuba? It leaves Great Britain free, as I understand it, in relation to other quarters of the globe."

It was on October 17 that Monroe sent the correspondence to Jefferson, which Jefferson received on October 23. But before that, on October 16, Baron Tuyll, the Russian minister at Washington, informed Adams, at the state department, that the Russian government had determined not to receive a minister from Colombia, who had been appointed, or indeed one from any of the South American States which had revolted from Spain. He added an expression of the czar's hope that the United States would maintain an attitude of neutrality in the contest between Spain and her rebellious colonies. Adams replied that he would transmit this information to the President, and added that the United States would doubtless observe neutrality, so long as all the European powers did the same; but that if one or more of the latter should depart from that policy, that change of circumstances would have to be considered by the United States, with results which could not be foretold.

During October and November, 1823, Monroe and his cabinet gave much time to discussions of this matter. Adams thought that Canning wanted the United States to pledge itself both to resist European intervention in South America and also not to take for itself any part of those countries, and he opposed at least the latter undertaking. Calhoun, on the other hand, favored pledging ourselves, if necessary, not to take even Texas and Cuba, although the acquisition of both had been considered. Monroe would probably have adopted Calhoun's policy, had it not been for Adams's resolute opposition. Adams urged that in the forthcoming message the President should take strong ground against the meddling of the Holy Alliance in American affairs. Wirt objected that the people of the United States would not support the Government in a war for the protection of South America. Calhoun, who seems to have been almost panic-stricken with fear of Europe, believed that the Holy Alliance "had an ultimate eye to us; that they would, if not resisted, subdue South America. Violent parties would arise in this country, one for and one against them, and we should have to fight upon our own shores for our own institutions." Adams did not fear any attack upon the United States, but thought that if the allies intervened in South America they would probably divide that continent among themselves. France would take Mexico, Russia would take California, Peru and Chile, and England would take Cuba. That would be disastrous to the United States. On the other hand, said Adams, if the United States hesitated and let Great Britain alone save South America from subjugation, all those colonies would become tributary to her. The United States must therefore act promptly and decisively. A pledge of war was not required. The President alone could not make that, and Canning did not ask it. All that was required was an expression of policy, which would leave Congress free to act thereafter as occasion might require.

The last act before the delivery of Monroe's message was the adoption by the cabinet of a note prepared by Adams for presentation to Baron Tuyll. This was dated November 27, 1823. It contained an explicit statement of American policy concerning

South America, and concluded as follows: "That the United States of America and their Government could not see with indifference the forcible interposition of any European power, other than Spain, either to restore the dominion of Spain over her emancipated colonies in America, or to establish monarchical governments in those countries, or to transfer any of the possessions heretofore or yet subject to Spain in the American hemisphere to any other European power."

The message containing the so-called doctrine was Monroe's regular annual message to Congress at the opening of the session, on December 2, 1823. The message began with the usual routine report of transactions and relations with the various foreign countries, in the course of which, in speaking of the negotiations with Russia, one part of the Doctrine was set forth, in terms similar to those addressed by Adams to Baron Tuyll in July preceding, as follows:

"The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers."

This was, indeed, simply a reference to and a direct reaffirmation of Adams's words to Tuyll. The message continued with a review of domestic interests and transactions. Then, near the close, it reverted to foreign affairs. Ardent sympathy was expressed with Greece in her struggle for independence. Reference was made to the unhappy condition of Spain and Portugal, and the message then proceeded as follows:

"The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principle, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose Governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers, to consider the Government *de* *facto* as the legitimate Government for us, to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.''

The reception and appreciation of the doctrine in the United States may perhaps best be briefly described in the words of Daniel Webster, who did not exaggerate when he said: ''It met with the entire concurrence and hearty approbation of the country. One general glow of exultation, one universal feeling of gratified love of liberty, one conscious and proud perception of the consideration which our country possessed, and of the respect and honor which belonged to it, pervaded all bosoms.'' In Great Britain, also, it was regarded with gratification. ''We shall hear no more,'' said one journal, ''of a congress to settle the fate of the South American States.'' ''It is worthy,'' said another, ''the occasion and the people destined to occupy so large a space in the future history of the world.'' Brougham declared: ''The question with regard to South America is now disposed of, or nearly so, for an event has recently happened than which no event has dispensed greater joy, exultation, and gratitude over all the freemen of Europe; that event, which is decisive on the subject in respect to South America, is the message of the President of the United States to Congress.'' The noncolonization clauses were not, indeed, approved in England nor accepted by the British government. On the contrary, in a ''general negotiation'' which soon after occurred between the plenipotentiaries of Great Britain and the United States it was expressly declared that Great Britain considered the whole of the unoccupied parts of America as being open to her future settlements. But as a matter of fact few such settlements were attempted save in the regions already assigned to Great Britain, and that feature of the message was soon lost sight of before the superior significance of the remainder. As for South America itself, its diplomatic representatives in Europe were "wild with joy," and South American securities of all kinds rose greatly in value. On the Continent, among the allied powers, there was a mixture of chagrin and disappointment, together with a general feeling that all further designs upon America must forthwith be dropped; as they were.

Credit for the authorship of the doctrine has been variously claimed. Canning afterward boasted in Parliament that it was his work and that he had "called the New World into existence, to redress the balance of the Old." But that was surely an exaggeration. Canning was entitled to much credit for the encouragement which he gave to the United States, and for his warnings of the urgency of the situation and the need of prompt action; but that was all. That, moreover, related to only one half of the doctrine, namely, the declaration of complete separation between the European and American systems and the insistence that it must be maintained both by American abstention from meddling in European affairs and by European abstention from meddling in American affairs. And even that half of the doctrine appeared in essentially different form from that which Canning had intended. For he had meant that the United States and Great Britain should act jointly, or identically; which was not done. On the contrary, that plan was specifically rejected, Adams declaring that "it would be more candid, as well as more dignified, to avow our principles directly to Russia and France, than to come in as a cock boat in the wake of the British man-of-war." In addition, Canning seems to have wished, or at any rate Adams supposed that he wished, the United States to pledge itself to seek no special privileges and to exercise no special influence, in Spanish America, and to that Adams so strenuously and effectively objected that not a hint of such self-abnegation is anywhere perceptible in the message. These are the certain exceptions to or rather the limitations of Canning's connection with that portion of the Monroe Doctrine.

The other part of the doctrine, quite distinct from that already described, was a flat prohibition of further European colonization of the American continents. It is quite certain that Canning was not the author of that. He did not encourage it. He did not approve it, but to the end maintained an attitude of challenge and antagonism toward it, incorrectly imagining that it would militate against Great Britain's further colonization of her great northwest territories, and against her designs of acquiring by colonization a part of the disputed Oregon territory. To one part of the doctrine, therefore, he gave a qualified encouragement, while with the other part he had absolutely no concern and no sympathy.

The claim of authorship for Adams rests on immeasurably better ground. It is quite certain that he was in full sympathy with every word of it. The portion relating to the distinction between the European and American political systems he did not conceive, but received it from his predecessors, Washington, Hamilton, Jefferson, and others. The other portion, prohibiting further European colonization, may, however, be largely if not entirely attributed to him. It was, as we have seen, closely anticipated in his note to Baron Tuyll, which was his own composition, though it was discussed and approved by the whole cabinet before it was delivered. It is supposable, then, that Adams, himself practically conceiving one part and formulating the other part from antecedent utterances of former statesmen, drafted the doctrine and submitted it to Monroe for incorporation in his message—a common practice of cabinet ministers. But there are intrinsic indications that the verbal form of it was largely recast by Monroe himself. It is in his rather than Adams's style of expression.

That portion of the doctrine prohibiting European colonization of the American continents was long ago rendered obsolete. Its purpose was accomplished in the occupation and settlement of all parts of the continents by the existing powers, leaving no room for such European colonization. The other part, relating to the separation of the European and American systems, is on the contrary as vital and essential to-day as it was when it was first enunciated, and it is to it that chief consideration is to be given. It rests, obviously, upon that fundamental, immutable, and perpetual principle of the right of self-defense, which Monroe so vigorously proclaimed during the controversy over Florida. It was for the sake of "our peace and safety" that European nations were warned to keep hands off South America. It was declared to be impossible for the European powers to extend their system to any part of America "without endangering our peace and happiness." That principle of self-defense crops up in almost every sentence. It is the essential spirit of the Monroe Doctrine, its very excuse for being.

We may thus regard the doctrine as adding the final capstone to the edifice of American independence. First, the colonists came hither to escape the evils of European systems. But they found that as colonies of European powers they were still subject to the same old evils. Next, they established their political independence, in hope of thus completing the work. But they found that with great abutting territories in the hands of foreign powers, and being transferred from one power to another, they were not yet entirely freed from European menaces. So Louisiana and Florida were taken, to give us geographical independence. But even that was not enough, and so Monroe sought to complete the work in this declaration of diplomatic independence.

It is not the present purpose to attempt a detailed exposition or interpretation of the Monroe Doctrine, or a commentary upon it. From the text of the message and the circumstances of its origin, it is obvious that there was no thought of making it a part of the international law of the world. It was not even a fixed rule binding upon the United States. It neither created nor proposed any conventional obligation, either with Europe or with South America. It was no menace of hostility to the former and no pledge of protection to the latter. It was an expression of the policy which the United States purposed to pursue, at its own discretion, and solely for the sake of its own peace and security, in respect to a single specific contingency. So much, at least, concerning that second part of the doctrine, upon which by far the greater stress has ever been laid. The first part, relative to European colonization of these continents, was indeed perpetual in its intent, though, as we have said, the logic of events soon rendered it apparently superfluous. But in time the perpetual intent of the first part became shifted to the purely temporary and occasional provision of the second, and caused the expansion and confirmation of the latter into a fixed principle of national policy.

In even the fullest of such development, however, the doctrine has its manifest limitations. It pledges America not to meddle in European matters and warns Europe not to meddle in America. But the reference is solely to politics. There is no hint at prohibition of commercial, fiscal, and other relations; nor of diplomatic relations; nor of the exercise of ordinary measures, peaceful or forcible, for the satisfaction of just claims or the settlement of disputes; nor even of the waging of war. All these things have, in fact, been done under the doctrine, without violation of its letter or spirit. The doctrine affords no screen behind which South American States can enjoy immunity from the penalty of misconduct, or evade their just obligations, or in any way escape the common responsibilities of civilized nations. Of course the doctrine gives us no authority over those States, and no right to intervene in their domestic affairs. These latter relations might have been established if the doctrine had been promulgated at the request of those States and primarily for their protection. But it was not. It was made at our own initiative, and for our own good, and while as a matter of fact the South American States welcomed and rejoiced in it, they were under no compulsion, moral or legal, to do so, or even to regard it with gratitude. The title of the United States to intervene in any way among its southern neighbors rests not upon the Monroe Doctrine, but upon that vastly more important, primal principle upon which the doctrine itself was based, namely, the law of self-protection. It was to protect ourselves that we forbade European monarchies to intrude their systems into this hemisphere; and it will be to protect ourselves from annoyance and to abate for our own good intolerable nuisances that we intervene, if ever we do so, in the affairs of our southern neighbors.

There is ground for believing that Adams had a somewhat more ambitious view of the application of the doctrine than that which now generally prevails. The word ''hegemony'' had not then come into use, but the idea which it conveys was and had long been familiar. It was as old at least as ancient Greece, and Adams, as a classical student, was familiar with the supremacy and leadership which sometimes Athens and sometimes Sparta had exercised among the States of Hellas. He was familiar, also, through his long residence in Europe, with the similar leadership which one State there sometimes had over others, as in the German confederation. There is little doubt that he had in mind such a hegemony of the United States over its lesser neighbors at the south. He indicated this a little later, in his own administration, in his policy toward the Panama Congress. It is not impossible that if it had then been judiciously broached that system would have been accepted by the Spanish American States, and would have proved beneficial to all concerned. But it was not even hinted at in the doctrine, though of course it was not denied nor forbidden. There was simply nothing said about it. Perhaps this silence was judicious; since a declaration of such hegemony, or of the possibility of it, would certainly have provoked protest and antagonism from Canning, whom, as we have seen, Adams credited with a desire to have us explicitly pledge ourselves not to take such a course. At any rate, nothing was said, and the matter was left entirely open and undecided, to be disposed of as future contingencies might require. The radical contrast between the two parties over the matter of human slavery soon disinclined the Latin States to enter into such relations, and of course their own growth in population and strength confirmed that disinclination; until to-day nothing could be more offensive than the suggestion of such hegemony.

This is also to be particularly observed, that the doctrine did not and does not in any way apply to any other parts of the world than Europe and America, and perhaps to European and American colonies or possessions elsewhere. There was no mention of Asia, or Africa, or the islands of the sea. The United States did not warn the European powers against extending their system thither, and it certainly did not bind itself not to extend its own authority and ownership. All other parts of the world were left open and free, for American as well as for European cultivation and—if need be—conquest. Accordingly the conquest and annexation of the Philippine Islands, three quarters of a century later, was in no sense a violation of the doctrine, and indeed had not the slightest relation to it; any more than the French conquest of Anam, or the European partition of Africa.

One more point. Since the doctrine was not law or treaty, it is not to be construed as such according to its literal terms, nor is its application to be confined to facts or conditions precisely similar to those which called it forth. The application of it is to be determined, rather, upon the broad ground of general principles; inquiring whether the specific facts of any case lie within the spirit and purpose of the policy to which Monroe gave enunciation. It is scarcely to be supposed, for example, that Monroe and his colleagues had in mind the making and control of a canal across the Isthmus of Panama, and the doctrine was not intentionally framed for application to such a work. But it is not only supposable but substantially certain that if the matter had been brought to their attention they would unhesitatingly have held that the doctrine fully applied to the canal and forbade its being subject to European control. Or perhaps it would be more accurate to say that they would have held that the same principle of self-protection which inspired and justified the Monroe Doctrine also made it right and essential that any such canal should be ''an American canal under American control.'' The Monroe Doctrine was and is, in brief, not itself a universal law, but merely the application of a universal law to a certain specific contingency; and its supreme value and validity are in its reminder of the just and inevitable application of that same law to every contingency of our national life—the universal and immutable law of self-protection.

XIII

EXPANSION OF INTERESTS

THE enunciation of the Monroe Doctrine was promptly followed by a marked expansion of American interests, and especially of the foreign relationships of the country. This was natural, because of three attendant circumstances. One was, that the doctrine was the most advanced proclamation of what we may term ''world power status'' that the United States had thus far made. In the Declaration of Independence, it is true, we had proclaimed ourselves a peer among the nations in authority and responsibility, but we had not by any means always comported ourselves as such. But now in the most direct and emphatic manner the United States announced itself to be a true ''world power,'' and a member—if not by implication the head—of a rival international system to that of Europe. No longer subject to the vicissitudes and caprices of European politics, we were setting up a scheme of American politics to counterbalance that from which we had divorced ourselves, and in consequence we began to readjust all our international relationships on that new basis.

The second circumstance was the establishment of the independence of the Latin American States. This gave us a number of new neighbors with which to enter into diplomatic and commercial relations. They were, moreover, neighbors which it was peculiarly appropriate, and indeed incumbent upon us, to take into intimate relations. That we did not do so must be accounted one of the most regrettable failures of our governmental policy at that time and for many years since. But despite that failure, there was in that direction a marked expansion of American interests.

The third circumstance was our own rapid growth in population, wealth, and commerce, which not only made us more and more powerful in peace and in war but also made it necessary for us to enlarge our scope of interests in order to afford room for the activities of the expanding nation.

One of the first diplomatic problems presented to the Government at this time was that of recognition of new powers. The only occasion on which it had hitherto been raised was when the French Revolution overthew the Bourbon monarchy and established the First Republic. Now, in the presence of a number of new States in Latin America, it was renewed in a much more important form. It had first to be determined by what department of the Government the act of recognition was to be performed. For several years Congress, under the leadership of Clay, strove at least to force the President to recognize the new countries at its bidding. This compulsion was resisted with success, and the principle was securely established that the act of recognition was to be performed by the President, at his own discretion; though it would generally be necessary for the House of Representatives to acquiesce in that action and to complement it by appropriating the means for sending diplomatic representatives to the new governments. In default of such appropriation, however, recognition would still be valid and effective for legal and diplomatic purposes, since the accrediting of ministers is not an essential function of recognition.

That point determined, it became obvious that various circumstances were to be considered by the executive in the exercise of his discretion. The chief of these, and their application to the cases of the Latin-American States, were well stated by John Quincy Adams in a letter to the Spanish minister, Mr. Anduaga, in 1822, prior to the enunciation of the Monroe Doctrine. Mr. Adams said:

"In every question relating to the independence of a nation two principles are involved, one of right and the other of fact; the former exclusively depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised as well by the Spanish nation in Europe as by several of those countries in the American hemisphere which had for two or three centuries been connected, as colonies, with Spain. In the conflicts which have attended these revolutions the United States have carefully abstained from taking any part, respecting the right of the nations concerned in them to maintain or reorganize their own political constitutions, and observing, wherever it was a contest by arms, a most impartial neutrality; but the civil war in which Spain was for some years involved with the inhabitants of her colonies in America has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and viceroys of Spain herself with the Republic of Colombia, with Mexico, and with Peru, while in the provinces of La Plata and in Chile no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared.

''Under these circumstances, the Government of the United States, far from consulting the dictates of a policy questionable in its morality, yielded to an obligation of duty of the highest order by recognizing as independent States nations which, after deliberately asserting their right to that character, have maintained and established it against all resistance which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain nor to affect the employment of any means which she may yet be disposed or enabled to use with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts with the view to the regular establishment with the nations newly formed of those relations, political or commercial, which it is the moral obligation of civilized and Christian nations to entertain reciprocally with one another.''

Again, in 1823, Adams wrote to Anderson, the American envoy to Colombia, as follows:

''While Spain maintained a doubtful contest with arms to recover her dominion, it was regarded as a civil war. When that contest became so manifestly desperate that Spanish viceroys, governors, and captains-general themselves concluded treaties with the insurgents, virtually acknowledging their independence, then the United States frankly and unreservedly recognized the fact, without making their acknowledgment the price of any favor to themselves, and although at the hazard of incurring the displeasure of Spain. In this measure they have taken the lead of the whole civilized world; for although the Portuguese-Brazilian government had a few months before recognized the revolutionary government of Buenos Aires, it was at a moment when a projected declaration of its own independence made the question substantially their own cause, and it was presented as an equivalent for a reciprocal recognition of their own much more questionable right to the eastern shore of La Plata.''

At the time of its recognition in 1822 Colombia comprised New Granada, which is the present Colombia, and also Venezuela and Ecuador. In 1835 the country was divided into the three separate and independent States, and these were individually recognized by the United States. It does not appear that the United States ever recognized the ''United Provinces of the Rio de la Plata'' under that name; but it recognized Buenos Aires in 1823, at which time that government exercised its sway over the United Provinces and also over Uruguay and Paraguay. The latter two States were in turn individually recognized respectively in 1836 and 1852. Chile and Mexico were recognized in 1823, on the same day with Buenos Aires. Recognition was given to Brazil and to the Federation of Central American States in 1824, and to Peru in 1826. It is worthy of note that the independence of Mexico and Brazil was recognized as promptly as that of any other States, though they were not republics but empires. The political form of their government caused no hesitation nor discrimination on our part in recognizing them.

In addition to thus itself recognizing the independence of the Latin American States, this country promptly sought by the exercise of its friendly offices to persuade Spain to do the same. In 1825 John Quincy Adams became President and Henry Clay secretary of state, and one of the earliest acts of that administration was the sending of instructions to the American minister to Spain, A. H. Everett, to urge upon the Spanish government the desirability of such recognition. Clay also instructed the American minister to Russia, Henry Middleton, to ask the czar to offer his services and good offices as a mediator, and to represent to Spain the hopelessness of the struggle and the necessity of prompt recognition of the independence of the States. Irenic instructions were given to

Everett's successor, C. P. Van Ness, in 1830, and in 1834 he was able to report that Spain was willing to enter into negotiations with her former provinces to that end. He was then further instructed to tender the good offices of this government to the fullest extent for the facilitation of the negotiations, and also, in view of the natural ties of race and tradition between South America and Spain, he was directed to guard against any effort on the part of Spain "to obtain, in consideration of her recognition of the independence of her former colonies, some peculiar advantages in trade, or some extraordinary privileges for her citizens, to the prejudice of other friendly nations." Such an arrangement, it was declared, "would be peculiarly prejudicial to the interests of this country, and would form a just ground of complaint against those whom the Government of the United States was the first to recognize in their independent character, and for whose prosperity it has never ceased to manifest the most friendly and anxious concern."

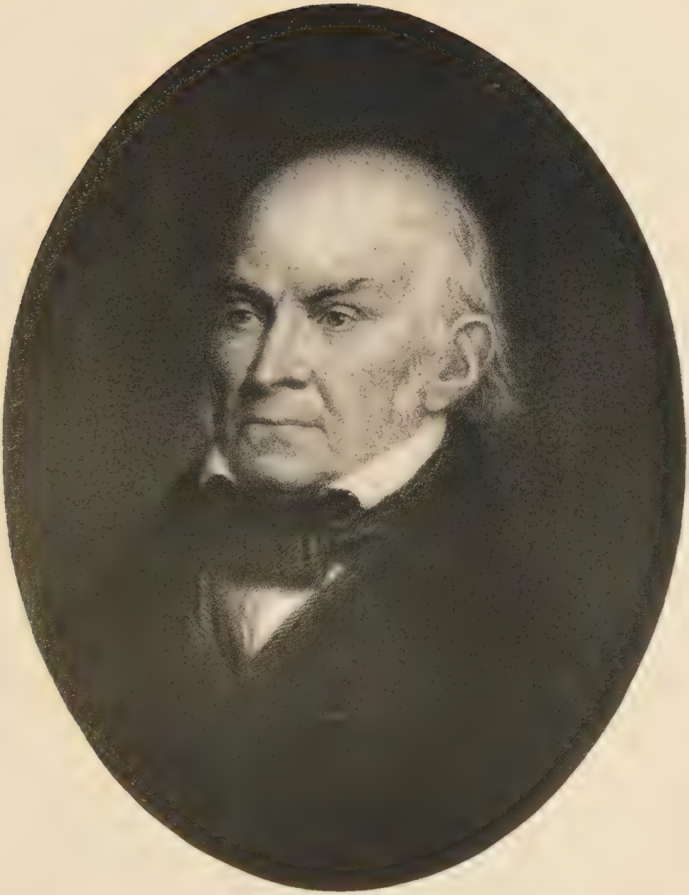
The United States did not, however, consistently maintain the interest in the Latin American States which it professed to feel and which it naturally should have felt. On the contrary, it soon committed an act which largely stultified its professions and which caused a certain estrangement between it and its southern neighbors which has not even yet been entirely outgrown. In December, 1824, Bolivar issued an invitation to all the republics of the New World excepting the United States to assemble in the first "Pan-American Congress" at Panama. "It is time," he wrote, "that the interest and sympathy uniting the American republics should have a fundamental basis that shall perpetuate, if possible, their governments." So he proposed a congress of plenipotentiaries from all the States, "that shall act as a council in great conflicts to be appealed to in case of common danger, be a faithful interpreter of public treaties when difficulties shall arise, and conciliate all our differences." This benevolent scheme may have been suggested by or copied after the European congresses at Laibach, Verona, and elsewhere, but that it was well conceived there can be no question. Had the United States participated, this country would undoubtedly have dominated the congress and by common consent would have been invested with a certain moral hegemony of the Americans. But it was not invited by Bolivar, because he feared that it would not accept, and because he knew, also, that he and his principles were not regarded with favor in this country. For he was an enemy of human slavery. ''All, whether white or black,'' he said, ''are equally entitled to the just recompense of valor, of honor, of intelligence, of sacrifice, and of virtue.'' It was his purpose to continue his efforts until Cuba, Porto Rico, and other countries were liberated and human slavery was banished from the Americas. In this ambition he recognized the United States as his chief obstacle. He knew, moreover, that it was because of his opposition to slavery that the United States had given him so little sympathy and aid in his struggles in South America.

Colombia was the first to accept the invitation, and Mexico, which had become a republic, the second; and then those two powers united in extending to the United States the invitation which Bolivar himself had not given. President Adams, the great pioneer of human freedom in the United States, gladly accepted it, as another important step in the policy which had been begun with the Monroe Doctrine, and as calculated to make that doctrine not merely a formal pronouncement but a vital force and method of life. In his annual message of December 6, 1825, he announced to Congress the receipt and acceptance of the invitation. But Congress, then under proslavery domination, received the announcement with marked disfavor. Twenty days later he sent a special message, explaining the purpose of the congress and the reasons why the United States ought to participate in it. Having been the first to recognize the independence of the Latin American States, he said, and the first to sympathize with them so far as was compatible with our neutral duties, we had laid the foundations of future intercourse with them in the broadest principles of reciprocity and the most cordial feelings of fraternal friendship. ''To extend those principles to all our commercial relations with them, and to hand down that friendship to future ages, is congenial to the highest policy of this union, as it will be to all those nations and their posterity.'' In confidence that those sentiments would meet the approval of the Senate, he nominated two envoys and a secretary, to represent the United

States at the congress. Henry Clay, as secretary of state, wrote at the same time a long and forceful letter to the same effect; perhaps the ablest of all his state documents; in which he characterized the Panama Congress as "the boundary stone of a new epoch in the world's history." Adams in subsequent messages urged senatorial approval of the scheme. He doubted, he said, whether for centuries to come there would again be offered to this nation such a favorable opportunity for subserving the benevolent purposes of Divine Providence and dispensing the promised blessings of the Redeemer of mankind.

But Adams and Clay did not appreciate the power of the slave-holding interests of our Southern States, nor the extent to which, for the sake of those sordid interests, senators were ready to sacrifice the external interests of the whole nation and the welfare of the Western Hemisphere. The pro-slavery senators saw in the Panama Congress a direct menace to their "peculiar institution." They recalled the Negro revolution in Haiti and saw in it a forecast of what would happen in the United States if there were any meddling with the "divine right" to enslave the Negro. The example of Haiti, said their most eloquent spokesman, Hayne of South Carolina, was fatal to our repose. Speaking of the Latin American republics generally, he said: "Those governments have proclaimed the principles of liberty and equality, and have marched to victory under the banner of universal emancipation." For that reason he and his pro-slavery colleagues opposed American representation or participation in the congress. In their view the nation which had come into being on the principle that all men are created equal had no place in the company of States which proclaimed and practised that self-same principle.

The foreign relations committee of the Senate, of which Mason of Virginia was chairman, accordingly reported a resolution to the effect that it was not expedient for the United States to send any ministers to the Congress at Panama, and supported it in a long document full of sophistry and self-stultification. The declarations were made that for us to participate in the congress would be in conflict with the whole course of policy hitherto pursued by the United States; that because of our great interest in Cuba and Porto Rico we ought not



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to discuss the destinies of those islands, which Colombia and Mexico were threatening to invade and conquer; and that no compacts were needed to promote the growth of commercial relations. It was also plainly revealed that the chief reason for disapproving participation in the congress was the anti-slavery principles of the other States, though disinclination to enter into ''entangling alliances'' was put forward as the stalking horse. In the debates which ensued in both Houses of Congress factional passions ran high, and the Monroe Doctrine was much discussed. Polk and Buchanan, who afterward, as presidents, far out-Monroed Monroe himself in advocacy and application of his doctrine, at this time insisted upon its strictest and narrowest interpretation. Buchanan introduced a resolution, which was passed by the House, declaring that the United States ought not to enter into any joint declaration with the South American republics ''for the purpose of preventing the interference of any of the European powers with their independence or form of government,'' nor to enter into any compact for the purpose of preventing colonization upon the continents of America. This was provoked by the proposal by Bolivar that the Congress of Panama should unite in a reaffirmation of the Monroe Doctrine as a policy of all the American States. It was, of course, argued that Buchanan's resolution was not a repudiation of the doctrine, but was really a confirmation of it, in that it emphasized the fact that the doctrine was intended solely for the protection of the United States and not for that of other countries. It was held that it would be unwise for us to enter into a compact which might give to our allies the decision of the question whether some given act was inimical to our own peace and safety.

In the end the Senate did ratify the nominations of envoys, and Congress voted an appropriation for their expenses. But the delay had been so great that the Panama Congress had adjourned before the envoys reached it. The United States was therefore not represented in it, and suffered the imputation of being unsympathetic toward it. Because of the conduct of the United States, moreover, the congress was little better than a failure. The only nations represented at it were Mexico, Colombia, Peru, and Central America. Few international bodies have ever had a program of equal merit, in benevolence and practical statesmanship; a program which anticipated half of the progress toward international peace and justice which the whole world has since made. But the outcome of the congress was inconclusive and futile, chiefly because of the lack of precisely that authoritative leadership which at that time the United States alone could have supplied; and it adjourned in disappointment among its members and with an unpleasant feeling throughout Latin America that the Monroe Doctrine had been merely a "resounding and glittering generality" which the United States had no thought of putting into vital and effective force.

An important question of foreign policy was meantime raised in connection with Cuba. The South American States were casting interested eyes upon that island and Porto Rico, and were planning either to conquer them from Spain or to incite and to assist them to establish their independence. But the proximity of the islands to the British and French possessions in the West Indies caused those powers also to view them with interest, and to desire that, if they could not take them for themselves, at least no other power should take them from Spain. Accordingly, in August, 1825, the British government laid before King, the American minister in London, a proposal that America should unite with Great Britain and France in an undertaking that neither of the three would take Cuba for itself or would acquiesce in the taking of it by either of the others. This was promptly transmitted to Washington, and was declined by Adams on several grounds. One was that thus practically to guarantee Spain in the possession of Cuba and Porto Rico might encourage that country to prolong indefinitely its struggle with its colonies. Another was, that the course already pursued by this country made it unnecessary for it to assume any such obligations; it having made it clear by both declaration and practice that it did not mean to seize Cuba for itself and would not permit the seizure of it by another power. There was no fear that Great Britain would seize the island, since her so doing would certainly cause a rupture with the United States. As for France, there was reason to suspect her of designs upon Cuba, and there would be no great objection to having her bound not to fulfil them. But negotiations were in progress to secure peace between Spain and her colonies through Russian mediation, and until their result was ascertained the United States would do nothing in the matter. France at first indicated a willingness to accept the British proposal and to bind herself to stay out of Cuba; but then suddenly changed her attitude and refused to enter any such agreement. As a result the American government, in September, 1825, declined to unite with Great Britain in renewing the invitation to France; and in addition instructed its minister in Paris to inform the French government that under no contingency, either with or without the consent of Spain, would this country permit French occupation of the two islands. While, therefore, there was no definite and unqualified refusal, or principle, to enter with European powers into a joint guarantee concerning American territory, there was an explicit declaration that the United States, acting alone, would prevent any further acquisition of adjacent American territory by a European power, or transfer of it from one European power to another.

There also arose in this country a strong opposition to any schemes of acquisition of Cuba by one of the American republics. Following close upon the correspondence concerning the proposed tripartite guarantee, Clay addressed a note to the Colombian and Mexican ministers, urging them to prevail upon their respective governments to suspend the expeditions which they were fitting out against Cuba and Porto Rico, at least until after the Congress of Panama had met and had expressed itself concerning the disposition of those islands. This was urged in the belief that an attack upon Cuba would make it more difficult to negotiate peace between Spain and South America, and for some other reasons. The Colombian government acceded to the request, and informed to that effect the Russian government, which was then striving to mediate between Spain and the Latin American States. Mexico, on the contrary, received the request unfavorably, but did not proceed with the expedition. It is doubtless not unfair or unreasonable, however, to assume that the United States government was in fact chiefly moved in the matter by a consideration which could not well be openly proclaimed. That is, its desire and even its intention to secure those islands for itself. Adams, as secretary of state under Monroe, had already expressed confidence that Cuba would in time gravitate to the United States, and there is no hint that he relinquished that expectation when he became President. A few years later, in 1829, Van Buren, secretary of state in Jackson's administration, openly admitted still another reason for desiring no change in the ownership of Cuba at that time. That had to do with the slavery question. So long as Spain held Cuba, slavery would be maintained. But if any other power took the island, that ''peculiar institution'' would be abolished, and the effect of such abolition ''could not but be very sensibly felt upon the adjacent shores of the United States.''

Brazil was the one monarchy among all the independent States of Latin America, but it was treated by the United States much the same as were the republics. Early in 1825 the Brazilian government proposed to this country an alliance, under which the United States should aid Brazil against any foreign power which might assist Portugal in trying to reëstablish her sovereignty, and also against Portugal herself if she should invade Brazil. Clay replied that the prospect of a speedy conclusion of peace between Brazil and Portugal seemed to make such an arrangement unnecessary; but that if European powers should renew their menace against Brazil or any other American State, this country would give to the case the consideration which it deserved. It was the policy of this country, he added, not to intervene in a war which was confined to the parent country and its former colony, but to remain neutral and to extend friendship and justice equally to both. A few years later, in 1828, the United States declined to intervene in a war between Argentina and Brazil, even though the one was a republic and the other an empire; holding that it was a war strictly American in its origin and its object, in which the allies of Europe had taken no part, and that therefore it presented no analogy to the case which the Monroe Doctrine anticipated.

In the West Indies the United States was still suffering from the restrictions upon trade which were imposed by the British shipping laws. The long-established policy of Great Britain was to keep in her own hands the commerce of her colonies, and particularly those in the West Indies. Repeated attempts had been made, beginning in the administration of Washington, to secure the opening of the British West Indian ports to American vessels, but in vain. Commercial treaties in 1815 and 1818 improved our relations in some respects, but direct trade with the West Indies, which would have been highly profitable to this country, remained forbidden. The only way in which it could be conducted was by smuggling. In 1822, Parliament opened certain West Indian ports to American trade, but imposed heavy customs duties and excluded some important classes of goods. The concessions granted were valuable, however, and in return Congress opened American ports to direct trade between this country and the West Indies in British vessels. The promise of better relations which was thus made was not, however, at once fulfilled, the fault lying largely with the American Congress. In 1825, Parliament offered to open direct foreign trade in the West Indies to the vessels of those countries which granted to Great Britain the privileges of the "most favored nation," and proposed that American vessels in Canadian ports and British vessels in American ports should pay the same tonnage dues. The United States Congress demurred to this practical offer of commercial reciprocity, or at least failed to accept it, whereupon in 1826 the British government by an order in council again closed all West Indian ports against American commerce. Gallatin, who was then appointed minister to England in place of Rufus King, whose health had failed, tried to get this order withdrawn, but was somewhat curtly informed by Canning that the matter was closed and that the British government would not reopen discussion of it. In March, 1827, Adams issued a proclamation renewing the prohibitions of 1818 and 1820, under which British vessels could not ply between American and British West Indian ports. The result was that all direct trade between American and British West Indian ports, in either American or British vessels, was abolished. Upon the death of Canning, soon after, Lord Goderich became prime minister, and made a treaty with Gallatin restoring the conditions which had been established in 1815. This was not a satisfactory conclusion of the matter, though it was dignified and friendly and it left the way open for future negotiations. The loss of or the failure to secure the West India trade was, however, severely felt in the United States, and provoked no small degree of displeasure toward the Adams administration.

A similar disposition was made by Adams and Clay of the dispute over the Oregon territory. The *modus vivendi* established in 1818 for ten years was renewed for another such term, during which the whole territory was to be open to settlement from both the United States and Great Britain. More progress was made, however, with the settlement of the northeastern boundary question, between Maine and New Brunswick. Gallatin in 1827 effected an agreement under which the questions at issue were to be submitted to arbitration. There was much debate over the selection of an arbitrator, the King of Prussia and the Emperor of Russia being suggested but not accepted. Finally, in April, 1828, after the exchange of ratifications of the convention, the King of the Netherlands was mutually agreed upon, and he consented to act. Gallatin conducted the case for the United States with the consummate skill and unfailing tact which made him one of the most efficient American diplomats of his time, and the whole matter was elucidated and discussed perhaps more thoroughly than any other of the kind in the history of arbitrations. The arbitral verdict was not announced until January, 1831, and it then made no positive award, but recommended that there be given to the United States 7908 and to Great Britain 4119 square miles of the disputed region to which both had laid claim. William Pitt Preble of Maine, who had been Gallatin's associate in conducting the case, was then the American minister at The Hague, and he immediately protested against the verdict, on the ground that the arbitrator had exceeded his powers. The British government was not unwilling to abide by the verdict, but it intimated to the United States that it would not insist upon so doing but would resume direct negotiations with a view to its modification. Over this the United States hesitated. Preble's protest had been made entirely on his own responsibility and without authorization from Washington, and President Jackson—for it was now in his administration—was much inclined to disavow it and to accept the recommendatory award as conclusive. But New England sentiment strongly supported Preble in his protest, and Jackson, though he had little regard for that part of the Union, finally determined to submit the matter to the Senate. That body considered the case for six months and then, by an overwhelming vote, declared against acceptance of the award and in favor of renewing direct negotiations with Great Britain. To this the British government cordially acceded, and it was mutually agreed that until a final determination was effected neither party would attempt to exercise jurisdiction beyond the limits of the territory which it actually possessed.

During the remainder of the eight years of Jackson's administration frequent attempts were made to settle the controversy but without result. The United States was much hampered in its efforts by the State of Maine, which insisted upon what it claimed as its sovereign rights. The Federal Government endeavored to make a compact with the state government, under which the former would have a free hand and the latter would be indemnified for the relinquishment of any territory to which it laid claim. Such an agreement was indeed signed in 1832, but was never ratified. In the succeeding administration, of Van Buren, attempts at settlement were renewed, but the State of Maine, by legislative resolution, took a still more resolute and uncompromising attitude. It insisted that the boundary line prescribed in the treaty of 1783 should be maintained, that no subsequent arbitration should be recognized, and that the United States, either with or without British coöperation, should promptly proceed to its survey and delimitation. Of course passions among the inhabitants of the disputed territory rose higher and higher until in 1838–39 they culminated in the so-called ''Restook'' or Aroostook War. The State authorities of Maine sent an agent with a posse to arrest British subjects who were cutting timber, and the agent was seized by the New Brunswick authorities and imprisoned. Maine raised a large civil posse, erected fortifications, and appropriated $800,000 for the governor to use at his discretion for military defense. Nor was the Federal Government less aggressive. Congress authorized the President to call out the militia and to enlist 50,000 volunteers, and voted him an extra credit of $10,000,000 for the purpose. Happily war was averted by a man of war. General Scott was sent to the scene, and he soon persuaded the authorities of both Maine and New Brunswick to cease their bickerings and to keep the peace. At his suggestion the governors of Maine and New Brunswick issued public declarations, disclaiming any intention of aggressiveness or belligerence.

So the matter rested until the spring of 1841, when Tyler was President and Daniel Webster was secretary of state. Webster, who was familiar with the controversy, deprecated the tedious plan of new surveys and arbitration, to which the two governments seemed inclined, and urged instead the shorter and simpler course of direct negotiation on the basis of known facts. To this proposal the British government promptly responded by sending Lord Ashburton hither with full powers to negotiate settlements of all matters in dispute between the two countries. Ashburton reached Washington in April, 1842, and negotiations were promptly begun. For some weeks they were conducted in writing, and little was accomplished. Then Webster and Ashburton got together and talked face to face, and in a few days a settlement was reached. The United States was to get 7015 and Great Britain 4012 square miles of the disputed territory. This division was thus apparently less favorable to this country than that which had been proposed by the King of the Netherlands, but it was explained that the land assigned to New Brunswick was chiefly mountainous, while that given to Maine was much more valuable, so that this country was really getting about four fifths of the total value of the region. The United States government undertook, also, to pay the States of Maine and Massachusetts each $150,000 indemnity, and their expenses for civil posses and surveys. On these terms a treaty, known by the names of its makers as the Webster-Ashburton treaty, was signed on August 9, 1842. This instrument defined the boundary between Maine, New Hampshire, Vermont, and New York on the one hand, and Canada on the other, and also the boundary line from Lake Huron through St. Mary's River and Lake Superior to the Lake of the Woods and thence to the Rocky Mountains; and it provided for the free navigation of the St. John River and other international boundary waters. In addition it dealt with two important topics entirely separate and remote from the boundary question. The signatory powers bound themselves each to maintain on the coast of Africa an adequate naval force for the suppression of the slave trade, and to use all proper influences to persuade all other countries to close slave markets at once and forever. They also agreed to the extradition of all persons charged with actual or attempted murder, piracy, arson, robbery, or forgery. The treaty met with violent opposition in both countries. In the United States Senate it was attacked because of its provisions concerning the slave trade and extradition of criminals; yet it was ratified by an overwhelming vote. In England it was condemned for its concessions to America. Lord Palmerston called it the ''Ashburton capitulation'' and insinuated that Lord Ashburton in the making of it had been influenced by his wife, who was an American! Nevertheless the treaty went into effect, to the great good of both the signatory powers.

To revert to the Adams administration. Among the diplomatic questions which it found awaiting settlement was one which had been left by the treaty of Ghent, namely, that of indemnity for the slaves which were carried off by the British in the War of 1812. After years of fruitless negotiation this had been submitted to the arbitration of the Emperor of Russia, who decided in favor of the American claim. But the British government demurred, and new negotiations followed. Finally, a lump sum was paid to this country in 1827 and the matter was ended. The next year, however, the slave question arose between the two countries in another form. Fugitive slaves from America were taking refuge in Canada, and on May 10, 1828, the House of Representatives asked the President to enter into negotiations with the British government for their surrender. This must have been distasteful to Adams, and only less so to Clay and Gallatin. Nevertheless the desired action was undertaken. Clay, as secretary of state, directed Gallatin, as minister to Great Britain, to propose to the British government ''the mutual surrender of deserters from the military and naval service,'' and ''a mutual surrender of all persons held to service of labor.'' The former proposal was expected to appeal to Great Britain, which suffered much from desertions, while of course the latter was for the benefit of American slaveholders. The two taken together were on the whole among the most discreditable propositions ever made in American diplomacy. It was bad enough for a republic to offer to surrender fugitives from the notorious cruelty of the military and naval services of a monarchy—in the days when for trivial faults men were flogged into mincemeat. It was even worse for a professedly free country to ask a less free country to seize and to return its "bondsmen flying from slavery's hateful hell." It is impossible to imagine that Adams regarded it otherwise than with detestation. Clay displayed no earnestness or power of argument in his despatches, and Gallatin presented the matter to the British government in the most perfunctory manner. Doubtless all three hoped and expected that the proposal would be rejected, as of course it was. Without hesitation the British government replied that it was "utterly impossible to agree to a stipulation for the surrender of fugitive slaves."

With the accession of Andrew Jackson to the Presidency, in 1829, a new era began in American domestic politics and government, and for a time there was a scarcely less striking change in the conduct of foreign affairs. This was manifested in two notable incidents, the first of which concerned our relations with Great Britain. The Monroe and Adams administrations, as already related, had persistently but ineffectually tried to improve our commercial relations with that country, particularly so as to secure the opening of the West Indies to American commerce. Under Jackson, with Martin Van Buren as secretary of state and Louis McLane as minister to Great Britain, the efforts were renewed, but on an entirely different basis. On July 20, 1829, Van Buren sent to McLane probably the most remarkable and most discreditable letter of instructions ever issued by an American secretary of state. "You will," he wrote, "be able to tell the British minister that you and I, and the leading persons in this administration, have opposed the course heretofore pursued by the Government and the country on the subject of the colonial trade. Be sure to let him know that, on that subject, we have held with England and not with our own government." He added that the matter had been submitted to the people at the last general election, and that they had repudiated the policy of Adams.

This last statement was false, for the question had scarcely entered into the electoral campaign, and there had of course been nothing remotely resembling a plebiscite upon it. But even had it been true, it would be difficult to conceive anything more indecent than the making of such representations to a foreign government and the taking of it into the rivalries of domestic politics. The letter was a notification to the British government that our foreign relations were governed by considerations of domestic partizanship and that our policy toward any foreign country was liable to be reversed at any time on account of a change of domestic politics. Jackson was the first President who announced and practised the spoils system and made a ''clean sweep'' of all office holders in order to fill the places with his own friends and political retainers, and it seemed in this incident to be his policy similarly to make a ''clean sweep'' in foreign policies and relations. The letter was the more remarkable because its author, Van Buren, while a consummate politician, was a man of culture, of tact, and of diplomatic skill, who should have realized the gross impropriety of such an utterance. We can only suppose that the violence of partizan rancor, and the fury of hatred which the whole Jackson administration had for John Quincy Adams and all his works, blinded his better judgment.

Almost at the same time with this a violent personal and social quarrel arose in Washington, over the recognition of the wife of a member of the cabinet. Because of a scandal over the circumstances of her marriage, the ladies of official society, including the President's niece, the wife of the vice-president, and the wives of the other cabinet ministers, refused to recognize her. The President, who was a widower, stoutly championed her, and so did Van Buren, who was also a widower without daughters. The British and Russian ministers were bachelors, and they invited her to balls at their legations; but the wives of the other ministers refused to dance in the same cotillion with her or to sit near her at table, on which account Jackson threatened to have one of the ministers recalled. The incident caused a dissolution of the cabinet. Edward Livingston was made secretary of state in Van Buren's place, and the President showed his appreciation of Van Buren's conduct in the social feud by rewarding him with the appointment of minister to Great Britain, which the former secretary coveted. Van Buren went to London and acquitted himself creditably, but soon had to return for the reason that the Senate, under the lead of Daniel Webster, refused to ratify his appointment. The chief reason for its refusal was the letter to McLane, which we have quoted. Speaking of it, Webster said in the Senate: "I think these instructions derogatory, in a high degree, to the character and the honor of the country. I think they show a manifest disposition in the writer of them to establish a distinction between his country and his party; to place that party above the country; to make interest at a foreign court for that party rather than for the country; to persuade the English ministry and the English monarch that they have an interest in maintaining in the United States the ascendancy of the party to which the writer belongs. I cannot be of the opinion that the author of those instructions is a proper representative of the United States at that court. In the presence of foreign courts, amidst the monarchies of Europe, the American minister is to stand up for his country; he is to forget self, and forget party." There can be no doubt that the letter and its author richly merited Webster's strictures, and it is probable that these were taken to heart by the President as well as by Van Buren himself, and that Webster's vigorous and enlightened words served to check a tendency which otherwise might have degraded our diplomacy to partizan ends almost as much as the civil service was thus prostituted.

Despite these untoward occurrences, however, the diplomacy of Jackson's administration was not devoid of profit. McLane, though acting under that scandalous letter of instructions, effected a satisfactory readjustment of our commercial relations with Great Britain. This was done, however, not by means of a treaty, but through legislation, by Congress on the one hand and Parliament on the other. McLane proposed to the British government a renewal of trade relations on the basis of that act of Parliament of 1825 to which the American Congress had failed to respond; explaining that this country was prepared to accept as a privilege what it had formerly demanded as a right. In his annual message in December following Jackson made complimentary references to Great Britain which were almost fulsome. In the spring of 1830 he had Van Buren draft a communication to Congress asking that a bill be prepared providing for nonintercourse between the United States and Canada, and for the equipment of a sufficient revenue-cutter force to make it effective. At almost the same time he had Congress authorize him to proclaim American ports open to British colonial trade whenever he was satisfied that British colonial ports were open to American commerce. The latter act was effective and it was unnecessary to resort to the former. Early in October, Jackson was able to issue the proclamation. Thereafter American vessels were free to trade in British West Indian ports, excepting between them and other British ports. The result was, of course, an immediate and enormous increase of trade. In 1830 we imported from the West Indies goods to the amount of only $101,843, and exported thither only $140; while in the very next year the figures rose respectively to $873,855 and $1,439,593. For this achievement Jackson's administration received and deserved much praise; though its beneficence cannot condone the gross impropriety of the initial means employed in effecting it. Moreover, for "the old hero," who had "driven the Britishers out of New Orleans," to truckle to Great Britain, was as incongruous as it had been for Adams to permit a proposal for a fugitive slave treaty.

An important transaction with France also signalized Jackson's administration. No settlement had yet been made of the American claims for indemnity for losses sustained by American shipping during the Napoleonic wars, and when William C. Rives of Virginia was sent as minister to France in 1829 he was instructed to begin negotiations to that end. The next year occurred the revolution of July, by which Charles X was deposed and Louis Philippe was made king in his place. This gave Jackson an opportunity to repeat the tactics of flattery which he had employed toward Great Britain, and in his next message he praised the "citizen king" as one "borne to the throne by the paramount authority of the public will." On July 4, 1831, Rives signed a treaty providing for the payment of $5,000,000 by France, in six annual instalments, and also for the reduction of the tariff duty on French wines imported into America. The treaty was duly ratified, ratifications were exchanged on February 2, 1832, and on July 13 following Congress fulfilled the American obligations by making the promised reduction of the wine tariff. The French Chamber, on the other hand, refused to fulfil the obligations of that country by making the necessary appropriation, and in consequence when the United States made a draft upon the French treasury for the first instalment of the indemnity, payment was refused. The king sent a message to the Chamber, urging it to honor the treaty by making the appropriation, but the Chamber ignored it. At the moment there was no American minister in France, Rives having come home and having been elected a United States senator. In August, 1833, however, Edward Livingston of Louisiana, who had been secretary of state, was sent over. The king and his cabinet were sympathetic and exerted all their constitutional powers to prevail upon the Chamber to order the appropriation, but that body remained stubborn. After another year of dissatisfaction, Jackson, in December, 1834, reported the case to Congress in strong language, recommending that vigorous reprisals be made if the indemnity were not paid when the next instalment fell due. In the Senate this policy was opposed, and it was voted, on the initiative of Clay, that it was inexpedient to adopt any legislative measures on the subject at that time. It is not improbable that this was done partly because of Clay's personal antagonism toward Jackson, but it was also based on the perfectly sound principle that the resources of diplomacy had not yet been exhausted and that until they were Congress should not intervene. In the House of Representatives, on the contrary, Adams, who surely had no less cause for antagonism to the President, took the lead in supporting Jackson with a declaration that the fulfilment of the treaty ought to be insisted upon; though a proposal to appropriate $3,000,000 for war preparations was negatived.

When these things were reported in France, excitement rose high. The Chamber again refused the appropriation, and the French minister to America was recalled. Then the Chamber voted to make the appropriation on condition that Jackson would give a satisfactory explanation of his references to France in his message. The reply to this insulting demand was prompt and emphatic. Livingston wrote a vigorous note to the Duc de Broglie, the king's minister, vindicating Jackson, and then withdrew from the legation. Jackson in his next annual message declared that he would never stain the honor of his country by apologizing for telling the truth and doing his duty. In January, 1836, he sent in another special message, recommending reprisals, and urged the building of coast forts and warships. Before any such action was taken, however, a friendly settlement was sought. For this Jackson himself suggested the way. He made the amazing declaration that anything which the President might say to Congress was a purely domestic matter, with which a foreign power had no concern unless it led to action! Preposterous as this was, France seized upon it with serious avidity as affording escape from a situation of which she was both tired and ashamed. An offer of mediation by the British government, near the end of January, 1836, was eagerly accepted, and a month later the British minister at Washington—who must have struggled hard to maintain a grave and decorous demeanor amid such absurdity—informed the secretary of state that the difficulties in the way of executing the treaty of 1831 had been removed by the "frank and honorable manner" in which the President had expressed himself. A little later the overdue instalments of the indemnity were paid, and normal relations between the two countries were resumed. This eminently satisfactory result made, however, none the less reprehensible the utterance of Jackson's which gave the cue for it; an utterance which only escaped being vicious by being absurd.

The incident was chiefly significant for its raising again the question to what extent the money-appropriating power of a government may be bound by the treaty-making power. That question was then raised concerning the French government, but it had before been raised in this country in connection with Jay's treaty in 1796, and has several times since been raised here. If the President makes and the Senate ratifies a treaty calling for the payment of a large sum of money, to what extent is it incumbent upon the House of Representatives to vote the necessary appropriation? In 1835 our Government was contending that it was compulsory for such an appropriation to be voted, and that whatever treaty the French treaty-making power might conclude, the French Chamber must fulfil with the necessary legislation. Consistently, our own House of Representatives in that same episode promptly made the changes in the tariff which the President and Senate had stipulated in the treaty. We thus established, both by example and by precept to another nation, a principle which we should certainly ever regard as binding upon ourselves. Indeed, there ought to be no question concerning the matter. The same fundamental principle which requires a nation, however divided into parties and factions at home, to present a united front to foreign powers, surely prescribes similar harmony among the various departments of the Government in the conduct of foreign affairs.

American claims were also pressed by Jackson's administration against other European countries, on grounds similar to those against France. A treaty was made in 1830 with Denmark, providing for the payment of claims amounting to $650,000, and in 1832 a similar treaty was made with the Two Sicilies, for a smaller sum. A settlement with Spain for such claims was made in 1834. Diplomatic relations with Portugal, which had been suspended after the revolution of June, 1828, were renewed in 1829, and claim was made for indemnity for the destruction of the American privateer *General Armstrong* by British vessels in Portuguese waters at Fayal in 1814. The claim was that Portugal, as a neutral power, should have afforded protection to the American vessel. The Portuguese reply was that the American captain did not ask protection, and that in fact he was the aggressor. The case dragged on until 1851, when it was submitted to the arbitration of Louis Napoleon, prince-president of the French Republic, who decided it against the United States on the ground that if the American was not the aggressor he at least engaged in armed conflict in Portuguese waters without demanding protection.

The rapid extension of American interests was further denoted in the making of numerous commercial and other treaties; with Austria-Hungary in 1827, with Turkey in 1830, with Mexico in 1831, with Russia and Chile in 1832, with Siam and with Muscat in 1833, with Morocco, with Venezuela, with Peru, and with Bolivia in 1836. Treaties with Prussia and with Brazil were ratified in 1829. Reciprocal arrangements concerning tonnage dues on vessels were made with Austria-Hungary in 1829, with Oldenburg in 1830, with Spain in 1832, with Mecklenberg-Schwerin in 1835, and with Tuscany in 1836.

XIV

AGGRESSION AND EXPANSION

THE boundaries of the Louisiana Territory, as already recalled, were never defined in any of the various treaties of cession to which that domain was subjected; not even in the final treaty by virtue of which in 1803 permanent possession of it was acquired by the United States. The most serious doubt concerned the southwestern boundary, the question being whether the line was to be drawn at the Sabine River or at the Rio Bravo, later known as the Rio Grande del Norte and now simply as the Rio Grande. In brief, it was whether Texas was or was not included in Louisiana. If it was, it became in 1803 the property of the United States; if not, it remained the property of Spain. This question might have been answered at the outset if France had taken actual and full possession of Louisiana after the purchase of it under the treaty of San Ildefonso, for she either would or would not have taken possession of Texas, and her course in that respect would have determined ours when we in turn purchased Louisiana of her. But France did not take actual possession, and the whole matter was therefore left in doubt.

In the negotiations over Florida, in 1817–19, John Quincy Adams stoutly maintained our right and title to Texas, with the Rio Grande as its southwestern boundary, and wished to insist upon recognition of that title in the Florida treaty. There is little doubt that if he had been permitted to have his way he would have compelled Spain to yield on that point and all subsequent controversy and trouble would have been avoided. Nor is there much doubt that his contention was historically correct and just. But he was not permitted to have his way, the interests of the country in this foreign affair being sacrificed to the sordid purposes of domestic faction and of personal jealousy and spite. Adams was recognized as the foremost candidate for the next term in the Presidency, but in that candidacy he had several rivals, while his peculiarly aggressive and autocratic disposition had made for him a number of enemies. The leader of the cabal against him was William H. Crawford, the secretary of the treasury, who was ambitious to secure the Presidential nomination, and who succeeded in winning a majority of the cabinet to his side. His ostensible ground for opposing Adams's policy was that the acquisition of Florida was so essential to the welfare of the Southeastern States that it must not be imperiled or delayed by making a debatable demand for Texas; but his real motive was doubtless chiefly to thwart Adams and to deny him the great popular prestige which the winning of Texas would have assured him. There was, in fact, little reason to fear that the demand for Texas would delay the acquisition of Florida, while the notion that it could defeat it was palpably absurd, seeing that we had already practically taken possession of Florida and were fully resolved to annex it by conquest if we could not by purchase. Outside of the cabinet, Clay, who often strongly disagreed with Adams, on this matter supported him vigorously, holding that Texas rightfully belonged to the United States as a part of Louisiana, and also that the possession of it was of paramount importance to the States of the Mississippi Valley. Indeed, he declared that to the whole United States the possession of Texas was far more important than the acquisition of Florida. Appeal was made by Adams to General Jackson, as a man deeply interested in both Louisiana and Florida, and Adams understood him to advise the President not to demand the recognition of our title to Texas. At any rate, Adams so recorded Jackson in the diary which he kept with much detail and with general accuracy, and in after years he charged Jackson with having taken that course. This Jackson vigorously denied. It seems probable that Adams was mistaken, and that Jackson simply urged the immediate acquisition of Florida, without regard to anything else. That Jackson actually opposed the inclusion of Texas is not susceptible of confirmation.

The attitude of Monroe himself was most interesting of all, for while he has not been credited with as high a degree of statesmanship as some of his contemporaries he seems to have surpassed them all in his prescient grasp of this subject and his appreciation of what the possession of Texas would ultimately involve. He was the one man who recognized in advance the relationship of Texas to the slavery question. Now, he was himself a slaveholder and a nominal supporter of the slave system. But he was not so ardent or enthusiastic a supporter of it as to put it above the other interests of the nation. Indeed, he probably at heart deprecated any material extension of slave territory or slave power, and he saw that the acquisition of Texas would mean such extension, and would mean also a stimulus to the surreptitious slave trade. Just then the sectional controversy between the Free States and the Slave States was becoming acute, over the Missouri question, and Monroe regarded it with grave apprehension and dreaded the further complication of it and the exacerbation of passions which the acquisition of Texas would cause. He had studied the question of the Louisiana boundary with great care, and was convinced that our title to Texas was good. He regarded our ultimate annexation of that territory as certain, and he was frequently outspoken in declaring that we should not permit it to pass into the hands of any other European power than Spain. But because of the ominous aspects of the rising conflict over slavery as a sectional and territorial question, he regarded it as inexpedient at that time to insist upon our title to Texas.

The issue as between us and Spain was thus passed by, to be raised between us and Mexico when the latter became independent and succeeded Spain in the actual occupancy of Texas. Upon our recognition of Mexico the President, Adams, wished to send Jackson as minister to that country, but Jackson declined the appointment for fear that it would injure his chances of securing the Presidency at the next election. Joel R. Poinsett of South Carolina was therefore appointed, on March 8, 1825, and Clay, as secretary of state, immediately instructed him to suggest to the Mexican government that if it would modify the boundary so as to give us some of the territory west of the Sabine and all the valleys of the Red and Arkansas rivers and their tributaries—the eastern and northern parts of Texas—the United States would, so far as it could, restrain its Indian tribes from committing depredations in Mexico. Poinsett did not think it discreet to submit this proposal to the Mexican government, knowing that it would be regarded as offensive. He did negotiate a treaty of amity and commerce, similar to that which had just been made with Colombia, but the Senate would not ratify it excepting on conditions unacceptable to Mexico, and it therefore failed. In 1827, Coahuila and Texas were united as a single State of the United States of Mexico, with a state constitution abolishing and prohibiting human slavery.

In January, 1828, a treaty was made with Mexico in which the Sabine River was recognized as the boundary between the two countries, thus conceding the whole of Texas to Mexico. It was not acted upon promptly by the Senate, however, and in the meantime efforts at annexation were renewed. When Jackson came to the Presidency in 1829 he instructed Poinsett to renew negotiations for purchase, offering five million dollars for all of Texas as far as a line midway between the Nueces River and the Rio Grande. The offer was declined, and Mexico made it quite clear that she did not desire to part with any portion of Texas on any terms. About this time Samuel Houston, an officer in Jackson's army in the War of 1812 and afterward governor of Tennessee, proposed a scheme of colonizing Texas with Americans, who, when sufficiently numerous, should organize a revolution, secede from Mexico, and annex Texas to the United States. To this scheme, which was little else than piracy, Jackson seems to have assented. Previous to this Austin and others had established considerable colonies of Americans in Texas, not only with the assent but on the cordial invitation and with the encouragement of Mexico; that Government assuming that these settlers would become Mexican citizens. When Houston's scheme was broached, however, the Mexican government, suspecting what the design was, reversed its policy and forbade any further settlement of Americans in Texas. But this prohibition was openly disregarded. Land companies were organized in the United States for the colonization of Texas, and settlers flocked in in great numbers. No forcible resistance was made by Mexico, and in his message of December, 1830, Jackson reported to Congress that "the unfortunate and unfounded suspicions" of Mexico concerning the purposes of American settlers had been ''entirely removed,'' and that ''friendship and mutual confidence'' had been restored between the two countries. The delayed treaty recognizing the Sabine boundary was at last ratified in April, 1832, together with a treaty of commerce which had been negotiated a year before. In 1835, Poinsett was succeeded by Colonel Anthony Butler, who under Jackson's instructions made several efforts at purchase. One proposition was to purchase all of Texas as far as the Rio Grande, thence north and west on that river to the thirty-seventh parallel of latitude, and thence on that line to the Pacific. This would have given us all Texas, New Mexico, and Arizona, and the southern half of California. Another was to purchase the Bay of San Francisco, California, and some adjacent territory. Both proposals were declined.

Meantime, taking advantage of the disturbed state of affairs in Mexico, where frequent revolutions rendered the Government impotent for self-defense, Houston and his followers continued their work of colonization, and on March 2, 1836, they felt themselves sufficiently strong to call a state convention, adopt an ordinance of secession, and proclaim Texas to be an independent republic. There was no attempt to conceal the fact that this action was intended as a mere stepping stone to annexation to the United States, and the further intention thus to provide for an increase of slave territory was proclaimed in the constitution of Texas, which reëstablished slavery in a particularly extreme form, and forbade the presence in that republic of any Negroes who were not slaves. In the course of a few weeks, after three small battles, Mexican authority was practically expelled and Texas became in fact independent. As nearly all the Texan leaders, in both politics and fighting, were colonists or filibusters from the United States, the sympathy of this country was largely given to them. Within a few weeks after the declaration of Texan independence, application was made by that republic for annexation to the United States, numerous petitions to that end were presented to Congress, and a strong popular demand for such action arose, particularly in the West and South. Jackson favored the scheme, and John C. Calhoun, the leader of the administration party in the Senate, was most urgent for the immediate recognition of Texan independence and the incorporation of that country into the Union as a State. Webster, the opposition leader in the Senate, was also favorably disposed toward recognition and annexation, but prudently counseled delay until the *de facto* independence of Texas and the stability and efficiency of her government were assured. Accordingly, on June 18, 1836, three and a half months after the declaration of Texan independence, the Senate unanimously voted that the independence of Texas should be recognized whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power. The House of Representatives adopted a like resolution by an overwhelming vote, the opposition numbering only twenty-one votes from the Free States and one from a slave State. It is quite probable that Congress would have gone to the extent of immediately recognizing the independence of Texas and admitting her to the Union, had not John Quincy Adams, who was now a member of the House of Representatives, made a powerful speech against such action, basing his opposition not upon unwillingness to acquire new territory but upon the certainty that the course proposed would immediately involve us in a war with Mexico. This speech produced a marked impression, especially in the North, and provoked Jackson to denounce Adams as his "arch enemy" and to charge him with having defeated the annexation of Texas. It was even said, by Jackson's partizans, that Adams had deliberately sacrificed and renounced Texas in the Florida treaty, the fact being, of course, just the reverse—that Adams had demanded the inclusion of Texas as a part of the Louisiana purchase, but was overruled by his colleagues in the cabinet. Even at this time Adams was doubtless inclined toward the annexation of Texas, but he did not want to do in a dishonorable way and at the cost of war what might have been done honorably and without a single blow. If there was one man in America whose record concerning Texas was above reproach, it was Adams.

A desultory war ensued between Texas and Mexico, in which the United States government, under Jackson's directions, practically ignored all the obligations of neutrality. Volunteers for the Texan army were recruited in this country, and vessels of war were fitted out, as openly as though they were to serve in a war waged by the United States itself. Jackson even went so far as to send an American army, under General Gaines, into Texas, to coöperate with the Texan army; the insincere pretext being that it was to prevent an uprising of the Indians! At this the Mexican minister withdrew from Washington and diplomatic relations between the two countries were severed. Jackson then recalled the troops, and in his annual message in the following December, 1836, attempted a specious defense of his course, in terms which were little less than insulting to Mexico and its minister. A few days later the government of Texas declared the Rio Grande to be the southwestern boundary of that republic. A special message from Jackson in the same month reported that he had taken no steps toward acknowledging the independence of Texas, and remitted that matter—properly an executive function—to Congress, with the recommendation that in acting upon it that body should proceed with more than ordinary caution. The response was for the Senate, ten weeks later, to vote by the narrow margin of four votes—twenty-three to nineteen—in favor of immediate recognition. The House by a vote of ninety-eight to eighty-six laid that resolution upon the table, but at the same time voted overwhelmingly an appropriation for the expenses of a diplomatic agent to Texas whenever the President should find Texas to be in fact an independent power worthy of such recognition.

Jackson disliked, however, to assume the responsibility for such action, and continued his efforts to secure Texas by using Congress as a cat's-paw. In a message in February, 1837, he dwelt upon the monstrous injuries and insults which, he declared, Mexico had heaped upon this country, its citizens, its officers, its government, and its flag; and he made a contemptuous reference to the late Mexican minister. There was, he said, ample cause for declaring war, and he recommended that a warship be sent to the Mexican coast with a peremptory demand for redress, and that if Mexico did not give a satisfactory response our navy should begin violent reprisals upon her. Congress was not so bellicose, and contented itself with adopting resolutions favoring another demand for redress in accordance with the terms of the treaty of 1831. The claims, which were largely valid, had not been preferred until 1836, so that Jackson's reference to them as long standing was unwarranted. In 1838 a treaty was made for their settlement, which Mexico refused to ratify, and another was made and ratified in 1839. Congress in 1840 and 1841 enacted laws to carry this treaty into effect, and American and Mexican commissioners met to effect a settlement. But a dispute at once arose on a fundamental matter, the Mexicans insisting that the commissions were diplomatic bodies, and the Americans maintaining that the two jointly constituted a judicial body. The result was much delay and consequent failure to act on many claims. Mexico did not honor such findings as were made, and in 1843 a new treaty was made, to complete the work, but before anything could be done under it the war of 1846 occurred between the United States and Mexico.

The independence of Texas was finally recognized in the closing days of Jackson's administration, and the further prosecution of the problem was remitted to his successor, Van Buren. Another request from Texas for annexation and admission to the Union was promptly made, but Van Buren regarded it with disfavor. He had no love for slavery, and he did not care to do an act of doubtful morality, the chief purpose of which was to extend slave territory and thus to increase the power of the pro-slavery party. The whole Texas question was therefore practically laid upon the shelf during his four years' administration. Nor were those years marked with any important achievements in the domain of foreign relationships. Perhaps the chief incident was an unpleasant but happily not disastrous one which occurred in 1837, during the Canadian rebellion of that time. There were in this country, and particularly in New York State, many sympathizers with the insurgents, and much aid was given to them in violation of the neutrality laws. Finally an insurgent expedition was organized in New York, which seized Navy Island, a Canadian island in the Niagara River. The Canadian government retaliated by sending an expedition to the American shore, and capturing and destroying a vessel—the *Caroline*—belonging to the insurgents. President Van Buren promptly issued a proclamation forbidding further violations of the neutrality laws and calling out the New York militia to prevent them. This action was of course correct and commendable, but it brought upon Van Buren much criticism from those who let their prejudices and passions overcome their regard for law and international obligations.

The incident of the *Caroline* had one important effect upon our judicial system. In the seizure and destruction of that vessel an American was killed. Three years later, in 1840, a British subject, named McLeod, visited New York and was arrested by the authorities on a charge of participating in the expedition which destroyed the *Caroline,* and was brought to trial for murder. The British government protested against this, on the ground that McLeod, if he had been in the expedition, had simply obeyed its orders and that it and not he was to be held accountable. Webster, then secretary of state, held that McLeod was subject to trial, but in a federal and not in a state court. The New York court, backed by the governor of the State, persisted in trying him, however, and the Federal Government had to be content with sending the attorney-general to watch the case and to see that justice was done. The case was ended by McLeod's proving an alibi, and thus securing acquittal. But Webster drafted an act, which was passed by Congress and made law, conferring jurisdiction in all such cases upon the federal courts.

A new era in our Mexican-Texan relations began in 1841, when Harrison became president, a month later to be succeeded by Tyler, and Webster was secretary of state. In December of that year Houston, who for a second time had become president of Texas, sent James Riley to Washington as chargé d'affaires, with instructions to renew efforts for annexation. There was apparently little hope in Texas that he would be successful, and there was little surprise though doubtless much regret when, in March, 1842, he wrote to the Texas secretary of state that nothing could be done in that direction. At his own request he was then recalled and Isaac Van Zandt was sent in his place, with instructions to watch for a favorable opportunity to renew the overtures. The strange spectacle was presented of an extensive, rich, and populous country humbly begging to be annexed to this Union, and being repeatedly refused. Meantime

Mexico had not recognized the independence of Texas, nor made peace with that State, and now gave indication of an active and aggressive renewal of military operations for its reconquest. Webster wrote to Thompson, our minister to Mexico, that the United States saw that prospect with pain, and could not be indifferent to it, though it claimed no right to intervene. He pointed out that for nearly seven years Texas had in fact maintained its independence, it had made treaties with other powers, it was making much progress in the arts of peace, and in language, laws, and habits of the people it was so radically different from Mexico that reunion of the two would be incongruous. He therefore directed Thompson to watch for an opportunity for tendering the good offices of this country for the composition of the controversy and the establishment of peace. He also referred in a significant manner to the danger that, in a renewal of war between Mexico and Texas, many Americans would flock to the support of the latter, and enforcement of the neutrality laws would be difficult if not impossible.

Mexican animosity toward the United States was further provoked in the fall of 1842 by an unfortunate incident based upon misunderstanding. Commodore Jones of the United States navy, while cruising off the coast of Peru, heard rumors that Great Britain had purchased California of Mexico, and was sending a naval expedition thither to take possession, and that the United States had declared war against Mexico on that and other accounts. Thinking to forestall British occupation and to gain great advantage for the United States, he hastened to the California coast without orders and on his own initiative seized the city of Monterey and proclaimed American possession of the country. That was on October 20. The very next day he was convinced that the reports on which he had so precipitately acted were false, and he therefore surrendered the place to the Mexican authorities and took his departure with such grace as was possible. The President of course disavowed the act and made apologies for it to the Mexican minister, but declined the latter's demand for the punishment of Jones, on the ground that he had acted in good faith though under misapprehension, and had "intended no indignity to the government of Mexico, nor anything unlawful toward her citizens." But the incident was remembered for years as a grievance against the United States.

Nothing more was effected by the United States diplomatically at this time, and the Mexican government regarded this country with increasing suspicion. It was therefore much more inclined to listen to the representations of other powers, and in the summer of 1843 it yielded to the persuasions of the British and French ministers so far as to agree to an armistice for the consideration of terms of peace between it and Texas. Those countries had long before recognized the independence of Texas, and had been urging Mexico to do the same. The United States, therefore, was confronted with the unwelcome spectacle of European mediation between two neighboring American States in a case in which its own good offices had been rejected. And this within twenty years after the promulgation of the Monroe Doctrine! Nor was that the only humiliation of this country. As soon as the armistice was established through European mediation, Texas, exulting in the support of Great Britain and France, reversed its attitude toward the United States and in a curt and cavalier fashion announced that it had no more any wish for annexation and would not thereafter consider that question open for discussion. Texas, in brief, was quite content to remain an independent State, at peace with Mexico, and under the *quasi*-protection of Great Britain and France.

There may be some question as to whether Texas really meant this, or was merely playing a shrewd diplomatic game and seeking to gain through indifference that which it had not been able to gain through humble suing. In either case, the effect of the change of tone was instantaneous and effective. The United States was startled and alarmed. It awakened to a realization of the grave risks which it had incurred in refusing to annex Texas when it had a chance to do so. The anxiety which was thus aroused was much heightened by rumors that under British influence Texas was on the point of amending its constitution so as to abolish slavery. Of course the prospect of having a free State made of the territory which had been designed for the extension of slavery was regarded with little less than consternation by the pro-slavery leaders of the Southern States. Whether this danger was real or imaginary is not clear. There were those who believed the rumors to be mere concoctions of political schemers in this country, to frighten our government into action for the acquisition of Texas at any cost. There is no doubt, however, that S. P. Andrews, a Massachusetts lawyer and intense opponent of slavery, who had settled at Houston, Texas, did get into negotiations with British diplomats with a view to some such end. But when the people of Houston learned what he had been doing they forcibly drove him out of that place and forbade him ever to return. His scheme, whether practical or fantastic, and the rumors based thereon, had, however, a marked effect upon the United States government. A. P. Upshur was secretary of state, and doubtless reflecting the mind of the President, Tyler, he fully credited all the rumors and believed that Great Britain was elaborating an extensive scheme for destroying slavery in the United States in order to protect the industries of her West India colonies from its competition; and also for securing advantages in the commerce of Texas and political influence in the councils of that State. He indeed ascertained that somebody connected with the British government had asked the Texan minister to Great Britain and France if Texas would abolish slavery in return for some substantial recompense, and also whether Texas could not be divided into two States, that east of the Colorado River to be slaveholding and that west of it to be free. The maker of these inquiries declared that he was acting with the knowledge and approval of the Earl of Aberdeen, the British foreign minister, who expected that if Texas were thus divided the free State would outgrow the slave State and soon compel the latter also to become free. Indeed, some remarks of Aberdeen's in Parliament seemed to indicate that it was the British policy to secure abolition of slavery in Texas and then in the United States. Our government thereupon, through its minister at London, Mr. Everett, made inquiry and complaint concerning this utterance; in reply to which Aberdeen declared explicitly that his government had no occult design, either with reference to any peculiar influence which it might seek to establish in Mexico or in Texas, or even with reference to the slavery which then existed in Texas. He admitted that the British government desired to see slavery everywhere abolished, and that it was ready to give advice to that effect wherever it was proper for it to do so, but he denied any intention of making a treaty on the subject with Texas.

As a result of these things Tyler and Upshur determined to checkmate the supposed designs of Great Britain by securing in some way the annexation of Texas. In October, 1843, therefore, Upshur wrote to Van Zandt, the Texan minister, asking for a conference and negotiations on the subject. It was only a few months before that Van Zandt had declared that the matter was closed and was not to be reopened. He now, therefore, replied that he would have to consult his own government on the subject, and when he did so the president, Houston, affected to be quite indifferent if not actually opposed to any further consideration of the matter. Even if Texas were willing to be annexed, he said, it was doubtful if the treaty would be ratified by the United States Senate. If it were not ratified, Texas would lose the valuable friendship of Great Britain without gaining anything in return, and would thus be placed "in an extremely awkward situation." He also feared that Mexico would attack and invade Texas as soon as it was known that an annexation treaty was being made, and that if the treaty failed, Texas would again have to fight for independence.

There was indeed good cause, as the event showed, for fearing rejection of the treaty. The moment it was known that such a measure was contemplated, vigorous opposition arose. John Quincy Adams and twelve of his colleagues in Congress signed an address to the people of the Free States, protesting against it and declaring that the adoption of the treaty would mean the dissolution of the Union. Upshur, however, assured Houston that the treaty would be ratified if it were made, and that United States troops would be held in readiness to protect Texas against a Mexican attack during the negotiations. Over the latter point a protracted controversy arose. Van Zandt's first request was for such use of American troops in the interval between the signing and the ratification of the treaty. This request remained unanswered at the time of Upshur's death, on February 28, 1844. But a demand by Houston himself, on February 14, that troops should be used at any time after negotiations were opened, was immediately answered by Murphy, the American chargé d'affaires in Texas, with a promise that it would be granted. John C. Calhoun succeeded Upshur, and on April 11, the day before the signing of the treaty, he answered the note from Van Zandt which Upshur had left unanswered, saying that troops had already been placed in readiness for use, if necessary, after the signing of the treaty; and the next day Murphy told the Texas government that his promise to Houston that troops would be used before the signing of the treaty had been repudiated by his government and must therefore be annulled. On that very day, however, the treaty was signed and so the troops became available for use. The intention of the United States government was thus made plain, that it would not intervene for the protection of Texas before the treaty was signed, but would do so after that event. The forces in question were 1150 soldiers at Fort Jesup, in Louisiana, near the Texas border, and six vessels of the navy, cruising in the Gulf and occasionally displaying themselves off the Mexican port of Vera Cruz.

It should be added that a delayed despatch from the Earl of Aberdeen, disclaiming any ulterior designs in Texas, Mexico or elsewhere, reached our government only two days before Upshur's death and was therefore left unanswered by him. Nearly two months later, and some days after the signing of the Texas annexation treaty, Calhoun as Upshur's successor answered it in characteristic fashion. He expressed concern at the avowal of Great Britain's desire for universal abolition of slavery, and argued that abolition in Texas, which Great Britain specially desired, would be disastrous to the interests of the United States and of the Negroes themselves, whose emancipation would be neither humane nor wise. He, moreover, announced that the treaty of annexation had been made "in self-defense," for the purpose of preventing Great Britain from securing the abolition of slavery in Texas. The British minister at Washington, Pakenham, responded that Great Britain had given no cause for such action and was in no sense responsible for it. Calhoun's retort was a reassertion of his former statements, and a declaration that the United States would shun no responsibility in the matter which fairly belonged to it.

The treaty of annexation was thus made and signed on April 12, 1844. Its terms, which had been kept a profound secret, were found on disclosure to be far less favorable to Texas than that country desired. Texas was not to be annexed as a State of the Union, but as a territory subject to the same congressional control as the other territories; so that Congress might abolish slavery in it and require constitutional prohibition of slavery as a prerequisite to statehood. It was provided that Texas should surrender to the United States all its public lands, and that the United States should assume the public debt of Texas to the amount of not more than ten million dollars. Tyler sent the treaty to the Senate ten days after the signing of it, with a message earnestly urging its ratification. An animated and protracted discussion ensued, in which domestic politics figured more than foreign policy. Clay had been nominated by the Whigs for the Presidency, and was outspoken in his opposition to the treaty and to the whole annexation scheme, though not a word was said on the subject in the platform. Polk had been nominated by the Democrats, on a platform vigorously demanding annexation. Moreover, Ex-President Jackson published a letter in which he declared that any senator who voted against the treaty would be a traitor to the best interests of the nation. There were in the Senate twenty-nine Whigs and twenty-three Democrats, and a two-thirds vote was necessary for ratification. The outcome, on June 8, was the overwhelming rejection of the treaty. One Whig, Henderson of Mississippi, was moved by slaveholding interests to vote for ratification, but the other twenty-eight voted against it and were joined in so doing by seven Democrats, while one Democrat refrained from voting and the remaining fifteen voted for ratification. The vote thus stood sixteen ayes to thirty-five nays, whereas to have secured ratification the figures should have been exactly reversed.

Two days after this rejection by the Senate, Tyler sent the treaty to the House of Representatives with all the documents relating to it and with a message strongly pleading for annexation by any means which might be found practicable. It had been argued by opponents of the treaty that Mexico's assent should first have been secured, and also that the question of the boundary between Texas and Mexico should have been settled. To this Tyler, not without force, replied that the former course would have been offensive to Mexico and would have been an admission that our recognition of Texan independence was "fraudulent, delusive or void"; and that the boundary question could not properly be taken up by the United States until after annexation. Nothing was done by the House, however, while the Senate for a few days longer discussed the matter in various phases. A motion by McDuffie of South Carolina for a joint resolution annexing Texas on the same terms as those of the treaty was laid on the table by a vote of twenty-seven to nineteen, and a like disposition, by a vote of twenty-five to twenty, was made of a bill introduced by Benton of Missouri, authorizing the President to negotiate with both Texas and Mexico for annexation of the former and for adjustment of boundaries. Congress then adjourned without further action.

Before the defeat of the treaty was known in England, though really after its occurrence, the British government told the minister from Texas that Great Britain and France would join the United States and Texas in a "diplomatic act" fixing the boundaries and guaranteeing the independence of Texas, to which Mexico would be forced, if need be, to agree. This, of course, was to be in case the annexation treaty failed of ratification; as it did. Houston, the president of Texas, instructed his secretary of state, Anson Jones, to accept the offer, but Jones, who in a short time himself became president, suppressed the order and nothing was publicly known of it until years afterward.

The question of annexation—or "re-annexation," as the Democrats affected to call it—was thus remitted to the popular electoral campaign for discussion. Clay adopted toward it a somewhat uncertain and equivocal tone, which lost him many votes. The result of the election was, however, chiefly determined by the rise of a third party, the so-called Liberty party, composed of aggressive enemies of slavery, which drew from the Whigs just enough to compass Clay's defeat. Polk was elected by a substantial majority of the electoral college but by only a bare plurality of the popular vote. This victory greatly strengthened President Tyler in his insistence upon annexation, and he renewed his efforts to complete the work before the end of his administration. In his message to Congress in December, 1844, he recommended the adoption of a joint resolution annexing Texas on the terms of the treaty which had been agreed upon by the representatives of both countries. McDuffie and Benton thereupon reintroduced their measures which had been tabled, and some others were proposed, and a great flood of petitions *pro* and *contra* poured in from the public and from the legislatures of States. In the debate which ensued two points were salient. One was that raised by John Quincy Adams, who had already declared that to annex foreign territory in such fashion would be to dissolve the Union. It was true that the treaty-making power of a sovereign government included the power to acquire territory; as indeed in his own negotiations Florida had been acquired. But there was no power to transfer the inhabitants of one country to the sovereignty of another without their consent. The merging of one sovereignty into another must therefore be done by the people themselves. This was an argument entitled to serious consideration, and it was theoretically sound. But practically it was ruled out of court by the universal practice of nations. Adams himself did not consult the people of Florida when he annexed that territory.

The other point was the practical certainty of war with Mexico if we annexed Texas. For nine years, nearly, Texas had been independent, but Mexico had never acknowledged the fact. On the contrary she insisted that her title to continued sovereignty over Texas should be treated with respect even by those powers which had recognized Texan independence. The war for restoration of Texas to Mexican authority had dwindled into occasional sporadic border raids, but it had never yet been formally abandoned. The acquisition of Texas by the United States would of course alter the military aspects of the case, and continuance of border raids would mean war. This prospect was not, however, feared, if indeed it was altogether unwelcome. Already there had arisen American desires which could scarcely be gratified without a war of conquest. American voyagers were visiting the Californian coast in increasing numbers, and were bringing or sending back glowing reports of the salubrity and rich resources of that country. There was no doubt of Mexico's title to it, but neither was there any doubt of Mexico's inability to hold it with a strong hand. Russia had attempted to seize a part of it, but had been warned off by the United States. France had some thought of at least becoming, as a Catholic power, the protector of the Catholic people of California. Great Britain recalled the discoveries of Drake along that coast, and coveted California as an annex to the Oregon territory which she claimed. But the United States also claimed Oregon, and cherished the scheme of continental dominion from the Atlantic to the Pacific. So an American army officer, John Charles Frémont, was sent to explore the passes of the Rocky Mountains and to spy out avenues of invasion of the coveted region, while Americans in California itself more and more assumed an air of proprietorship superior to that of the Spanish-Mexican inhabitants. A war with Mexico would make that region ours.

The joint resolution suggested by Tyler passed the House on January 25, 1845, by a vote of 120 to 98. It provided that the territory rightfully belonging to the Republic of Texas might be erected into a new State of this Union, to be called the State of Texas, with a republican form of government; that all boundary disputes between Texas and other countries should be settled by the United States; and various other details of domestic interest. In the Senate it was objected that it would be unconstitutional for Congress thus to admit into the Union a State formed of foreign territory, and accordingly an amendment was added, giving the President the alternative of negotiating another treaty of annexation. Thus amended, the resolution was adopted by the Senate by a vote of twenty-seven to twenty-five, and it was readopted by the House by a vote of one hundred and thirty-two to seventy-six. That was on March 1, 1845, three days before the end of Tyler's administration. Two Democratic senators, Benton and Tappan, voted for the resolution only because McDuffie had given them to understand that Tyler would take no action upon it but would leave it for his successor, Polk, and Polk was believed to be in favor of negotiating another treaty. McDuffie's forecast of Tyler's course was, however, an error, and so was that belief concerning Polk.

Without an hour's delay Tyler sent a messenger to the government of Texas with the offer of annexation and admission to the Union. A few days later the Mexican minister at Washington demanded his passports and went home, and in May following, the United States minister was recalled from Mexico.

Meantime Great Britain and France were untiring in their efforts to defeat annexation, even at the eleventh hour. In March, before the news of the passage of the resolution was known in Texas, the preliminaries of a treaty were signed, under which Mexico was to recognize the independence of Texas and Texas was to pledge herself not to become annexed to the United States or any other power. Before this compact was finally completed and ratified, however, the news of the passage of the annexation resolution reached Texas, and all other schemes were incontinently dropped in favor of accepting the offer of the United States. A convention was called to act upon it, which met on July 4. The first question put was, Shall the treaty with Mexico, negotiated by Great Britain and France, be ratified? Every delegate save one voted, No. The next question was, Shall the offer of annexation to and admission into the United States be accepted? Every delegate save one voted, Yes. A popular election on the question was then ordered, and on October 13 the people of Texas, with only a few dissenting votes, ratified the action of the convention. In his message to Congress at the opening of its session in December, President Polk recited what had been done, and recommended the adoption of a joint resolution erecting Texas into a State of the Union. Innumerable protests and petitions against this action were presented to Congress, from the Free States, but in vain. The resolution was adopted and was approved by the President on December 29. On February 19, 1846, the new state government of Texas was formally installed.

The course of Mexico was a foregone conclusion. Back in August, 1843, the Mexican president, Santa Anna, had informed our government that the incorporation of Texas into the territory of the United States would be considered equivalent to a declaration of war, and that immediately upon such incorporation Mexico would declare war, "leaving to the civilized world to determine with regard to the justice of the cause." To this a resentful but evasive reply was made, the United States challenging the correctness of Mexico's information of its annexationist designs, but giving no counter-facts. Three months later Mexico repeated the warning, and the United States replied that its conduct would not be affected by anything which the Mexican government might say or do; and that it regarded Texas as an independent nation with which it was free to deal without consulting any other country. After these things the prompt suspension of diplomatic relations between the two countries, already noted, was inevitable. A little later, in June, 1845, the Mexican army was placed on a war footing, and in July Santa Anna recommended to his Congress a declaration of war as soon as annexation was actually effected or Texas was invaded by American troops. The American reply was to send General Taylor with an army not merely into Texas but across it to the Nueces River, with headquarters about a hundred and fifty miles from the Mexican frontier. A few months later he asked permission to move directly to the Rio Grande.

The United States was just then, however, trying diplomatic methods to gain its ends without war. Acting upon a mistaken hint from a confidential agent that Mexico desired to reëstablish relations, the President and his cabinet prepared to send John Slidell as a special commissioner to that country, to negotiate for the purchase of California and New Mexico. It was supposed that those regions could be bought for from fifteen to twenty million dollars, but Polk and his cabinet were willing to pay forty millions if necessary. Polk afterward said that he sought this action for fear of British designs upon California. In this he was doubtless sincere, and there was some apparent ground for his apprehensions.

Before actually sending Slidell, inquiries were made through Black, the American consul who still remained in Mexico City, as to the probable attitude of the Mexican government toward such a proposal. He reported that the Mexican government was disposed to receive a commissioner who should come with full powers to settle the disputes between the two countries "in a peaceable, reasonable, and honorable manner." But an indispensable prerequisite was the withdrawal of the American naval squadron which was menacing Vera Cruz. Polk and his cabinet accordingly withdrew the fleet and instructed Slidell to proceed to Mexico. He was first to seek settlement of the long-standing claims for indemnities. In connection therewith he was to take up the boundary question. He was to contend that Texas clear to the Rio Grande and up that stream to El Paso was included in the Louisiana purchase and therefore belonged to the United States. For the recognition of that boundary, and the cession of New Mexico, the United States would itself pay the old claims of its citizens and would in addition pay Mexico five million dollars. An effort was also to be made to purchase California, or as much of it as possible. For the northern part of it, down to and including San Francisco, twenty millions would be paid, and for all down to Monterey, twenty-five millions, in addition to the claims. It may be doubted, however, that Polk would at that time have insisted upon the purchase of California as a *sine qua non*. Some of Slidell's subsequent correspondence indicated that a settlement would have been accepted merely on the basis of recognition of the Rio Grande boundary and the payment of the claims. On the face of his instructions, however, as known to and understood by the Mexican government, he was to seek all those further acquisitions.

Thus commissioned, Slidell went to Vera Cruz at the end of November; but when Black told the Mexican foreign minister of his approach he was told that the Mexican government was not expecting him and was not prepared to receive him, and that his appearance at the capital might be disastrous. Black was asked, therefore, to stop Slidell from coming up from Vera Cruz. It was too late, but he managed to intercept him at Puebla, where he gave him the message from the foreign minister. Slidell's answer was to push right on to Mexico City, and to send a copy of his credentials to the minister with an inquiry as to when he could be received. The reply came that the matter would have to be referred to the Council of State. Delay ensued, and trumpery objections were made to Slidell's credentials, with the result that the Council of State finally decided that he ought not to be received. The fact was, doubtless, that the government of President Herrera wanted to receive Slidell and treat with him, but it was just then fighting for its life against a revolution and feared that by so doing it would injure itself. A few weeks later, in January, the revolution was successful, and Herrera was succeeded by Paredes. Slidell left Mexico City and went to Jalapa; where he continued his correspondence with the new government and sought to be received. But at last, on March 15, he was finally and decisively told that he could not be received. The United States, he was told, was threatening Mexico with troops on the Rio Grande, the rights of Mexico had been violated in the annexation of Texas, and the United States, instead of treating on Texas alone, was seeking to introduce other subjects—to wit, the old claims, and the purchase of California—which Mexico was not willing to consider. Slidell thereupon asked for his passports and returned home. It was unfortunate that he was not received, but the fault lay largely with the insecure status of the Mexican government, and with its suspicions of and resentment toward the United States. Meantime American troops were sent to the Rio Grande. On April 12 they were warned by the Mexican commander at Matamoros to retire beyond the Nueces. They refused. On April 24 a party of American dragoons was ambushed by Mexicans, on the Texan side of the Rio Grande, and was captured after a fight in which several were killed. News of this reached Washington on May 9, and four days later Congress overwhelmingly approved the president's assertion that war had been begun by Mexico's own act, and authorized him to prosecute it in return.

With the war which ensued we have here little to do. Its story belongs not to diplomatic but to military history. It was intensely unpopular throughout a large part of the United States, where it was recognized as a needless aggression designed and waged for the extension of the slave power, an estimate of it which in the last analysis was correct. The decisive victories which were won by our troops aroused much enthusiasm among a part of the nation, but did not blind others to the iniquitous nature of the whole proceeding. In the first general election in the United States after the beginning of the war, in November, 1846, a House of Representatives was chosen with a majority hostile to the administration and its war policy, and when that House assembled in the fall of 1847, it adopted a resolution declaring that the war had been "unnecessarily and unconstitutionally begun by the President of the United States." Nevertheless, Congress did not refuse the money appropriations necessary for prosecuting the campaign, and the war went on. The theater of operations was extended so as to involve not merely Texas and the Rio Grande boundary, but also New Mexico and California. The discrepancy in belligerent efficiency between the two countries was of course enormous, and the result of the conflict was never for a moment in doubt. Early in the war another domestic revolution occurred in Mexico, the result of which was the downfall of the Paredes government and the accession of Santa Anna to the presidency. That restless and ambitious chieftain had been in exile at Havana, Cuba, and in some way the impression was received that if he were permitted to return to Mexico and could regain authority there, he would make peace with the United States. This impression, received by Slidell, was by him conveyed to Polk, who thereupon gave orders to the naval officers who were blockading the Gulf ports of Mexico that Santa Anna should be permitted to pass them and enter the country. This was done, but the result was disappointing. Santa Anna showed himself no more inclined toward peace than Paredes had been, while he was a far more formidable military opponent.

Repeated attempts at negotiations were made by Polk during the progress of the war, notably through the agency of N. P. Trist, the chief clerk of the state department, who was sent for the purpose along with the army which advanced from Vera Cruz upon the Mexican capital. Trist was commissioned to offer peace upon the same general terms as were proposed by Slidell, excepting that the cash prices offered were to be reduced by five million dollars each, and he was to seek the acquisition of the Lower California Peninsula, and the right of way for a canal or railroad across the Isthmus of Tehuantepec. The beginning of Trist's mission was marred with an unseemly quarrel between him and General Scott, the commander of the army, over precedence, as a result of which Trist was compelled to seek the assistance of the British minister to Mexico and his secretary, in transmitting to the Mexican government a letter from the American secretary of state, James Buchanan. The difficulty was soon afterward, however, composed. In reply to the overtures of Trist, or of Buchanan, Santa Anna intimated that he would enter upon negotiations for peace at once if he were paid ten thousand dollars in advance, as a sort of retaining fee, and were promised one million dollars on the conclusion of peace. The former sum was accordingly paid by General Scott, at the beginning of August, 1847, but Santa Anna made no movement toward peace and in the course of a few weeks two more important battles were fought. Then Scott proposed an armistice for the purpose of negotiation, to which Santa Anna agreed. Mexican commissioners met Trist and negotiations began. Trist was naturally in doubt as to the effect of the recent military operations upon the terms of peace which he had previously been authorized to offer, and was somewhat hesitant if not wavering in his attitude, and when the Mexicans submitted counter-proposals decidedly at variance with his instructions he deemed it prudent to make no reply to them until he had submitted them to his principals at Washington. The President was strangely displeased at this, and, hearing that Trist was thus sending home for instructions, and without waiting for Trist's own letter to arrive, he ordered the immediate recall of the embarrassed envoy. The armistice was meanwhile terminated, hostilities were resumed, the Mexican capital was entered by the American troops, and Santa Anna abdicated the presidency. Soon afterward the new Mexican government sent commissioners to Trist to seek terms of peace. Trist had by this time received notice of his recall, but the Mexicans had not been officially informed of that fact, and were therefore willing to assume that he was still commissioned to treat with them. Trist accepted their suggestion and negotiated with them the treaty of Guadalupe-Hidalgo, which was signed on February 2, 1848. Despite the fact that Trist's authority to negotiate it had been withdrawn, Polk accepted the treaty and submitted it to the Senate; by which body it was ratified on March 10, 1848. The vote on ratification was 38 to 14, most of the opposing votes coming from those who wished to proceed to the conquest and annexation of the whole of Mexico. This extravagant policy was advocated by Buchanan, the secretary of state, and by Walker, the secretary of war, and indeed by all the cabinet excepting the attorney general, Clifford, as well as by a number of senators, and it was approved by a considerable part of the public. Polk resolutely resisted it, however, and overruled his own cabinet in accepting and pressing to ratification the treaty negotiated by the commissioner whom he himself had deprived of authority and had recalled.

The treaty of Guadalupe-Hidalgo, then, restored peace between the United States and Mexico and of course confirmed the title of this country to Texas. It also gave to the United States all the territory north of the Rio Grande and Gila River, including nearly all of what is now New Mexico and Arizona, California, Nevada, Utah, etc. In return for this vast and invaluable acquisition of territory, the United States paid to Mexico the sum of fifteen million dollars, and assumed in addition the satisfaction of the claims of American citizens against Mexico to an amount not exceeding $3,250,000. The United States, moreover, undertook to protect Mexico from the incursions of Indian tribes along the Gila River boundary, a stipulation which was not efficiently fulfilled. As a result of the failure to fulfil it, Mexico suffered much from Indian depredations, and many complaints were made and claims for indemnity were preferred by the Mexican government and its citizens against the United States. On the other hand, the United States put forward counter-claims concerning the control of the Mesilla Valley, and manifested a desire to acquire a considerable strip of land south of the Gila River, as a route for a projected railroad across the continent. A protracted controversy arose, which grew steadily more acrimonious and indeed seemed to threaten the peaceful relations between the two countries. In 1853, however, a solution of the problem was sought and found through diplomatic means. James Gadsden of South Carolina was sent to Mexico to negotiate with the foreign minister of that country for a rectification of the boundary and general settlement of claims. He first made a treaty under which Mexico was to cede to the United States the northern part of the State of Sonora, the United States was to be released from all Mexican claims, public or private, and the United States was to pay Mexico fifteen million dollars and to assume responsibility for all American claims against Mexico and to pay them to the amount of not more than five million dollars. The Senate, however, insisted upon radically amending this treaty before ratifying it. Under the amendment Mexico was to cede much less territory, merely the strip long shown on the maps as the "Gadsden purchase," the United States was to be freed from all obligations to prevent Indian raids, the matter of claims on both sides was left unsettled and unmentioned, and the United States was to pay Mexico the sum of ten million dollars.

XV

OREGON

ANOTHER important issue in our foreign relationships was associated with that of Texas and Mexico politically and popularly in the closest possible manner, while geographically and diplomatically it had scarcely the slightest connection with it. Indeed, the only real point of contact with Texas and Mexico was in the fact that at the climax of the Mississippi controversy, when preparations were begun to take Louisiana from France either by purchase or by force, and we began those negotiations which gave us a claim upon Texas, the Lewis and Clark expedition was sent up the Missouri River and over the mountains to explore the Oregon region from inland, and thus to confirm the claim to it which had first been established by Gray's discovery of the Columbia River. In the same year, therefore, and as a part of the same extended activities, we secured a *quasi*-title to both Texas and Oregon, which, however, in both cases we long neglected to enforce. In order justly to appreciate the various aspects of the Oregon controversy, however, we must go back to an earlier date.

At the beginning of the sixteenth century Spain claimed all of the Western Hemisphere. Before its end Drake had entered the Pacific Ocean and visited the California and Oregon coasts, reaching the latter perhaps first of all white men; but it does not appear that any claim of English ownership was then or therefore made. At the partitioning of the world under the treaty of Ryswick, while much of the eastern part of North America was conceded to France, and a little to England, all west of the Rocky Mountains was still Spain's, from Mexico to Alaska. Fifty years later the Russians, under the lead of Bering the Dane, visited and claimed the northern part of the Pacific coast. The Spanish sought to retain the coast as far north as Prince William Sound, in latitude 60, while the Russians insisted upon taking actual possession for more than a dozen degrees further south, and manifested an inclination to seize the coast as far as San Francisco, if not all the way to Mexico. In 1778 the great British voyager, Cook, skirted and surveyed the coast from south of the Columbia River—though he did not discover that stream—northward to Bering Strait, but his errand was geographical rather than political, and he established no claims of title and made no settlements. French voyagers also visited the coast at various points, and some proclamations of sovereignty were made, but were not substantiated with actual occupation. In 1788 two American masters of trading vessels went up the coast to Nootka Sound and spent several years in those waters. One of them, Kendrick, with the *Washington,* discovered and explored the Strait of San Juan de Fuca, and the other, Gray, with the *Columbia,* in 1791, discovered the Columbia River and explored it for some distance. Two years later the British explorer, Mackenzie, scaled the Rocky Mountains and crossed Oregon to the coast. Meantime in 1789 both England and Spain, following in the wake of Kendrick and Gray, strove to make settlements on Nootka Sound. Both failed, but a diplomatic controversy over sovereignty arose, which culminated in the Nootka treaty of 1790, under which Spanish sovereignty was nominally recognized but Great Britain was confirmed in full commercial rights. Five years later, without any public or formal statement, Spain abandoned the entire coast north of the present northern boundary of California.

There was some pretense on the part of France that the Oregon territory was included in Louisiana. For this there was no convincing ground. Louisiana did not extend west of the Rocky Mountains. But certainly if Oregon had been a part of the Louisiana territory, France's title to it was completely extinguished by her sale of Louisiana to the United States in 1803. Such title was not, however, seriously regarded by the United States, and our claim to Oregon was based upon discovery and exploration, and attempts were made to confirm it by occupation. In 1811 the American trading settlement of Astoria was made, on the site of the present Oregon city of that name, and though a year later it was betrayed into British hands it was restored to American possession, at least in name, by the treaty of Ghent in 1814. At about the same time British settlements were made west of the Rocky Mountains and rivalry for possession began. In the Florida treaty of 1819 the United States explicitly acquired all of whatever title Spain still nominally had to the region north of California; and soon afterward the Russians were warned off that part of the coast and by the treaty of 1824 were confined to the region north of latitude 54 degrees, 40 minutes. With France, Spain, and Russia thus eliminated, the Oregon region was left to the dual competition of Great Britain and the United States. That region extended from latitude 42 to 54 degrees, 40 minutes north, and from the watershed of the Rocky Mountains to the Pacific Ocean. The whole of it was claimed by both of the two powers.

The American claim of title had five major grounds. One was that of the Spanish cession under the Florida treaty. There was no question but that Spain had originally had a better title than any other power to that region. There was in it, no doubt, this serious flaw, that she had failed actually to occupy and settle the country. But even so, her title remained superior to any other. For neither had Great Britain made any settlements on that coast, and the Nootka treaty granted to her only commercial rights. As for France and Russia, their claims were much weaker still. The second basis of the American claim was the discovery and exploration of the Columbia River by an American citizen; the old rule being that the discoverer of the mouth of a river could claim title to all lands drained by it. The third was the explorations of Lewis and Clark. The fourth was the Louisiana purchase, by which we certainly acquired any title which France may have had to the region. The fifth was the making by Americans of the first permanent settlement in the territory, at Astoria. The British claim was based partly on Cook's voyage along that coast, partly on the Nootka treaty, and partly on the explorations and discoveries of Mackenzie and others at the headwaters and on the upper reaches and tributaries of the Columbia River. The weak points of these were that Cook made no settlements, that the treaty in question was purely commercial and not at all political, and that it was, according to custom, the discovery of the mouth and not the source of a river that gave title to its valley.

The diplomatic controversy began in 1801, when Rufus King for the United States and Lord Hawkesbury for Great Britain sought to settle various boundary disputes. These related chiefly to Passamaquoddy Bay and other parts of the eastern boundary, but an attempt was made to define the line all the way across the continent. Before the treaty could be ratified, the Louisiana purchase was effected, and the interests of this country in the Northwest were thus enormously increased. The Senate therefore struck out of the King-Hawkesbury treaty all matter relating to that boundary, whereupon the British government refused to accept it, and the convention came to naught. In 1807 the matter came up again. Monroe and Pinckney for the United States, and Lords Holland and Auckland for Great Britain, concluded a treaty of amity and commerce to succeed the commercial clauses of Jay's treaty, which were expiring. The British commissioners then suggested some additional articles, one of which would deal with the northwestern boundary. Their proposal was that the forty-ninth parallel of latitude should be the boundary westward from the Lake of the Woods "as far as the territories of the United States extend," but only as far as the Rocky Mountains; for it was expressly stipulated by them that nothing in the article should apply "to the North-west coast of America, or to the territories belonging to or claimed by either party to the westward of the Stony Mountains." The American commissioners objected to the phrase first quoted above, as discriminating against the United States, and it was changed to read "as far as their respective territories extend," and was thus agreed to. When this article was reported at Washington the Government accepted it, though with a desire that the proviso excluding from its operation the territory west of the mountains should be dropped. That proviso, Madison declared, was unnecessary, and could have little effect beyond an offensive intimation to Spain that the claims of the United States extended to the Pacific coast, and any such offense to Spain would be impolitic. The whole treaty, however, was withheld from the Senate on other grounds, and so never came into effect.

After these futile negotiations the whole question lapsed, with the exception of the seizure of Astoria and its nominal—but not actual—restoration in 1814, to be taken up again in 1818, when Gallatin and Rush sought to dispose of the matters which had been left unsettled by the treaty of Ghent. Adams, as secretary of state, informed the American commissioners that the Spanish claimed title on the Pacific coast, which the United States was about to acquire in the Florida treaty, as far north as latitude 56, at the northern end of Prince of Wales Island, though the Russians had some settlements south of that point; and he authorized them to renew the terms which the British had proposed in 1807, fixing the boundary on the forty-ninth parallel as far as the Rocky Mountains. To this the British commissioners agreed. The Americans then proposed to continue that line straight to the Pacific coast. They argued that the treaty of Utrecht in 1763 had fixed that line as the boundary between the British possessions at the north and Louisiana and other territories at the south; that Gray had first discovered the Columbia River; that Lewis and Clark had first explored the inland regions; and that Americans had made at Astoria the first permanent settlement. The British commissioners demurred. They insisted that they had acquired title to the region by virtue of Cook's voyage, and of certain alleged purchases of land from natives south of the Columbia River prior to the Revolution. While proposing no specific boundary, therefore, they declined to consider any which would not give them at least an equal share with the United States in the mouth of the Columbia River, and they suggested that that stream would form a convenient and definite boundary line. Finally, despairing of agreement upon the boundary at that time, the British commissioners proposed a *modus vivendi* for ten years, under which the whole region between the Rocky Mountains and the Pacific, or any portion of it which might be claimed by either party, with all its waters, should be free and open to the vessels, citizens, and subjects of both countries on equal terms. This was accepted by the Americans, with the added proviso that the agreement should not be construed to the prejudice of any claim which either party or any other power might have to any part of that country, the only object being to prevent disputes and differences between the signatories. This agreement was accepted by both governments and went into effect in 1818.

Following this, in February, 1819, came the Florida treaty, reinforcing our title to Oregon with a specific grant of all the Spanish title north of California. Two years later the Russian ukase was issued claiming everything north of the fifty-first parallel, near the northern end of Vancouver Island. Against this America and Great Britain protested, the former taking the lead. In July, 1823, Adams instructed Rush, at London, to make an agreement with the British government that thereafter no settlement should be made by Russians on the coast or coastal islands south of latitude fifty-five (the middle of Prince of Wales Island); or by Americans north of latitude fifty-one (the northern end of Vancouver Island); or by the British south of fifty-one or north of fifty-five. "I mention the latitude of fifty-one degrees," wrote Adams, "as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia River branches as far north as fifty-one degrees." The Columbia River itself, in fact, touches the fifty-second parallel, and its tributary, the Canoe River, rises above the fifty-third. "As, however," Adams continued, "the line already runs in latitude forty-nine degrees to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea." Again he wrote: "The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean, we consider as unquestionable; being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from the sea, at its mouth, and then, by land, by Lewis and Clark; and third, by the settlement at its mouth in 1811."

Canning, the British foreign minister, requested an interview with Rush in December, 1823, to learn from him as fully as possible the views of the United States government concerning the partition of the Pacific littoral, in order the more intelligently to prepare instructions for the British minister to Russia; it being the mutual feeling that America and Great Britain should coöperate harmoniously in resisting Russia's extravagant pretentions. This interview took place at Canning's home, to which he was confined by illness. Rush repeated to Canning the views of Adams, and pointed out upon a large map the boundary lines proposed by him. The United States was to have the coast from the forty-second to the fifty-first parallel, or nine degrees, while Great Britain was to have from the fifty-first to the fifty-fifth parallel, or only four degrees. Russia was of course to have vastly more, from the fifty-fifth parallel indefinitely northward; but those regions were sub-Arctic and largely uninhabitable. The United States was not inhibited from going south of the forty-second parallel, but that region belonged to Mexico and seemed likely to remain hers. Great Britain was obviously to get by far the smallest of the three shares, and Canning quickly realized that feature of Adams's proposal. He merely observed to Rush, however, that the American claim seemed to be much more extended than the British government had anticipated. Rush replied that he hoped to be able, in the course of fuller negotiations, to establish its validity, and he left with Canning, at the latter's request, a brief written memorandum of the American proposals.

A few days later Canning inquired of Rush why the United States wanted to stipulate anything concerning the northern boundary of the British territory. "Our northern question," he said, "is with Russia, as our southern with the United States. But do the United States mean to travel north, to get between us and Russia? Do they mean to stipulate against Great Britain in favor of Russia? Or to reserve for themselves whatever Russia may not want?" These inquiries were pertinent, for it certainly seemed strange that the United States should attempt to prescribe the boundary between the British and Russian possessions; unless through some subconscious adumbration of the great national policy years afterward promulgated by President Polk. Rush replied that the fifty-fifth parallel had been named as the southern boundary of Russian America, because it was the line within which the czar had in 1799 granted privileges to his Russian-American company; but the United States did not mean to concede to Russia any system of colonial exclusion north of that line, or to forego for itself the right of trading with the natives there. As for the fifty-first parallel, it was named as the northern limit of the United States in order to include the Columbia River and its tributaries. Canning received this explanation in a noncommittal way and promised to consider it.

Before these negotiations between Rush and Canning took place the Monroe Doctrine had been promulgated, but the news of it did not reach London until after them. As soon as it was received Canning inquired of Rush what was meant by the declaration, which he said was new to him, that the American continents were not to be considered as subjects for future colonization by European powers. Rush was unable to answer, as he had not yet received instructions on the subject. Canning then said that he would either have to be satisfactorily advised upon the matter before sending instructions to the British minister at St. Petersburg, or else have to decline the American proposal for joint negotiations with Russia. He added that he would prefer the latter course, anyway, as Great Britain would certainly object to the noncolonization principle; yet she did not wish to have it discussed at present. Rush readily agreed to the plan of separate instead of joint negotiations with Russia, realizing that if the noncolonization question were raised in tripartite negotiations, Great Britain and Russia would join forces against America, and he preferred to deal with them separately.

Thereupon formal negotiations between Great Britain and the United States began. The British commissioners were Messrs. Huskisson and Stratford Canning. The latter was a cousin of the foreign secretary, who had been British minister at Washington and had there discussed with Adams the question of the partition of the Pacific littoral. A resolution had been offered in the House of Representatives to the effect that the United States should establish its sovereignty on the Columbia River. Against this Stratford Canning had protested to Adams, intimating that Great Britain laid claim to that territory. Adams in reply had disputed the right of Great Britain to any frontage whatever on the Pacific, though of course she might claim one. "I do not know," he said, "what you claim nor what you do not claim. You claim India; you claim Africa; you claim—"

"Perhaps," interrupted Stratford Canning, "a piece of the moon!" "N-no," said Adams, "I have not heard that you claim exclusively any part of the moon; but there is not a spot on this habitable globe that I could affirm you do not claim; and there is none which you may not claim with as much color of right as you can have to the Columbia River or its mouth!"

After this striking of fire between the flint and steel of these two mighty statesmen, the Englishman went home on a leave of absence and never returned to Washington. When he and Huskisson took up the Oregon negotiations with Rush, however, they began by strongly disputing the American claims, saying that the Spanish title, which had passed to America in the Florida treaty, was invalid, and that Gray's discovery of the mouth of the Columbia River gave no title to the country. They added that Great Britain considered the region down to the California line to be open to her colonization, together with all other unoccupied areas of the American continents; thus challenging not only Adams's proposals and claims concerning Oregon but a part of the Monroe Doctrine as well. After long discussions the British commissioners offered to continue the forty-ninth parallel as the boundary west of the Rocky Mountains until it reached the Columbia River, and thence run the line down the center of that stream to the ocean, navigation of the river to be free to both parties. Rush rejected this plan, and proposed as an alternative that the line should follow the forty-ninth parallel all the way to the ocean, giving the United States the seven degrees between the forty-second and forty-ninth, and Great Britain the six degrees between the forty-ninth and fifty-fifth parallels. The British commissioners pondered this proposal for a fortnight and then declined it, and the negotiations were abandoned.

Soon after this the United States concluded, on April 17, 1824, a treaty with Russia. The year before, in July, 1823, Adams, bristling with the same aggressive spirit that he had manifested toward Stratford Canning, had told the Russian minister, Baron Tuyll, that the United States would "contest the right of Russia to any territorial establishment on this continent." We have seen, however, that in his instructions to Rush, Adams receded far from the extreme attitude which he had assumed toward

Stratford Canning, conceding to Great Britain four or even six degrees of latitude where he had disputed her right to any space whatever. So now, in his negotiations with the Russians, Poletica and Nesselrode, he conceded to Russia the ownership of all the coast lands north of the parallel of 54 degrees, 40 minutes, a third of a degree further south than the line which he had proposed in the British negotiations. Adams first expressed surprise that Russia, without any negotiations with the United States, had claimed all the coast down to the fifty-first parallel and all waters within a hundred Italian miles of the shore, and he asked an explanation of that act. Poletica replied that Russia had a historical title to the land in question, and that she claimed the seas for a hundred miles in order to protect herself against adventurers, the most and worst of whom were Americans. Moreover, he said, Russia really had a right to the entire sweep of the Pacific Ocean, from America to Asia, north of the fifty-first parallel, and she was exercising much moderation in limiting her sovereignty to a coast strip only a hundred miles wide. Adams vigorously retorted that Russia had no ''historic title'' south of the fifty-fifth parallel, which the czar had named as her boundary in 1799, and that the claim down to the fifty-first parallel was a new pretention without color of sanction. The claim of exclusive sovereignty on the Pacific Ocean, or even for a hundred miles from shore, he scouted as unworthy of serious discussion. Finally Henry Middleton, who had been sent by Monroe as our minister to Russia in 1820, was authorized to negotiate a treaty at St. Petersburg, with Poletica and Nesselrode, which he did, as stated, in April, 1824. Under this treaty the Pacific Ocean was recognized by Russia to be a free and open part of the high seas, to within the customary three miles from the shore. The people of one country were not to resort without permission to any place in the dominions of the other where there was any settlement. It was agreed that the United States would make no official establishment north of the parallel of 54 degrees, 40 minutes, nor Russia any south of it. Thus Russia was eliminated from the Oregon controversy. It was left to Russia and Great Britain to contest the territory north of 54 degrees, 40 minutes, and to Great Britain and the United States to contest that south of that line.

It will be pertinent here to record, as having highly important bearings upon long subsequent negotiations between Great Britain and America, the terms upon which Great Britain and Russia settled their boundary dispute at the northwest. It was only a year after the settlement between Russia and America, and the Russian commissioners were, as before, Nesselrode and Poletica, while the British were Stratford Canning and Sir Charles Bagot. The line of 54 degrees, 40 minutes, agreed upon by Russia and America, was challenged by Great Britain. She apparently feared that the United States would be able to establish its ownership of all the coast up to that point, although this country had repeatedly offered to limit itself to the fifty-first or even the forty-ninth parallel. Of course a juncture between the American and Russian holdings would shut Great Britain away from the sea altogether. So the British sought earnestly to get access to the sea north of 54 degrees, 40 minutes. At first they proposed that the Russian territory should stop at the 141st meridian, near Mt. St. Elias, in latitude 60 north. Next they proposed Christian Sound, Chatham Strait, and Lynn Canal as the boundary, giving Great Britain all below the fifty-sixth parallel. Again they named Clarence Strait and the Stickeen River, giving them access to the sea through Dixon Entrance. All these requests were successively refused by the Russians, who insisted upon a continuous coast strip not more than thirty geographical miles wide, all the way down to 54 degrees, 40 minutes. Finally, the British pleaded that the boundary line of this strip, ''parallel to the winding of the coast,'' should be drawn straight across such arms of the sea as Lynn Canal, instead of around their heads; so that the British might own their heads and thus have access to the sea through them. This also the Russians refused, and the treaty as finally made conceded to Russia all the coastal islands and a continuous strip of mainland coast not more than thirty geographical miles wide, carried around the heads of all bays and inlets. Thus the British were entirely excluded from the sea north of 54 degrees, 40 minutes, as the Russian government intended they should be. It was the Russian hope that the United States would assert and maintain sovereignty up to 54 degrees, 40 minutes, and thus entirely shut the British away from the sea. But this only made the British more determined to get a share of the Oregon territory and a coast line south of 54 degrees, 40 minutes.

Negotiations between Great Britain and America were resumed at the former's request in 1826. Canning was still foreign secretary, and Rufus King was the American minister to Great Britain, but was about to return home and be succeeded by Gallatin. Adams was President and Clay was secretary of state. King brought over a note from Canning, suggesting the reopening of negotiations, and Gallatin was accordingly authorized to discuss the Oregon question on substantially the same lines as those followed by Rush. There was, however, this modification, that if the forty-ninth parallel were adopted as the boundary, and if it crossed the Columbia River or any of its branches at a point from which navigation to the sea was possible, the river should be open to the British for such navigation as freely as to Americans. The British commissioners, Huskisson and Addington, demurred to the adoption of the forty-ninth parallel as the boundary, largely on the ground that it would cut off and give to the United States the southern part of Vancouver's Island, which they regarded as quite inadmissible.

Gallatin did not insist upon the forty-ninth parallel as an ultimatum, but said that the United States would adhere to it as a basis of final settlement. His idea was that an arrangement might be effected whereby the United States would concede to Great Britain that portion of Vancouver's Island which lay south of forty-nine degrees, and Great Britain would in return concede to the United States that portion of the Columbia River and its branches which lay north of that parallel. Huskisson and Addington, however, were equally resolute in sticking to the Columbia River as the boundary line. But as that would give to Great Britain a very large territory south of forty-nine degrees, they suggested that the United States might have, as compensation, the comparatively small area comprised in the peninsula between Puget Sound and the ocean, now forming five counties of the State of Washington. This tract was not one tenth as large as the territory below the forty-ninth parallel which they were claiming for Great Britain, and it would have been, moreover, entirely detached from the rest of the United States and accessible only by way of the high seas or by crossing

British territory. Gallatin instantly rejected this proposal, declining even to discuss it. No matter what might be said in favor of some of its details, the principle of it was wholly inadmissible. At this it became evident that agreement was impossible, and the commissioners therefore decided to continue the *status quo.* In August, 1827, a convention was concluded extending indefinitely the arrangement for joint occupation of the entire Oregon territory on equal terms. This convention was ratified by the Senate, but a long and acrimonious debate arose in Congress, and a resolution was introduced but not passed authorizing the President to survey and take possession of the entire region, from California to Alaska. When this was defeated, interest in the matter lapsed and nothing more was heard of it in Congress for many years.

The problem was thus left to the logic of events as developed in the actual occupation of the territory by the two rival powers. This was an unsatisfactory method, and it gave rise to much needless friction and ill will. The first important settlement there was that of Astoria, in 1811, made by an American fur trader, John Jacob Astor. The British Northwest Company regarded it with jealousy and animosity, and the British government actually asked the American government to repudiate Mr. Astor's enterprise and to recognize the Northwest Company as the rightful proprietor of the place. This request was of course refused. Then the British company, by means of business trickery and dishonorable practices, succeeded in getting control of the place, so that when the War of 1812 broke out, and a British naval force went thither with orders "to take and destroy everything American on the northwest coast," Astoria was found to be not American but British, and so was left unscathed. At the end of the war the British continued in possession of the place. True, it was stipulated in the peace treaty that all territory, places, and possessions taken by one party from the other during the war should be restored to its former owner without delay. But the British pointed out that before the war had begun Astoria had passed into the ownership of a British company, and had been renamed St. George, and therefore it was not relinquished. To this Rush, at London, vigorously objected, and was so earnest and cogent in his demands for the restoration of Astoria to the United States that the British government finally yielded. It reserved, however, for future consideration the question of absolute title to that place; and the Northwest Company under one diplomatic pretext or another continued to occupy it until the final settlement in 1845.

During the thirty years between the end of the War of 1812 and the final settlement of the Oregon controversy, British policy in the region was intensely hostile to Americans, but was ultimately disastrous to British interests themselves. The entire territory was assigned by the British government to the Hudson Bay Company, and that corporation exploited it solely as a fur preserve. Civilized colonization was not promoted. On the contrary, it was discouraged. Trading posts and factories were dotted over the territory, manned by British agents and their Indian or half-breed retainers. No other settlement of any kind was permitted to be made within hundreds of miles of one of these establishments, which meant practically that there could be few others in any part of the territory. The Indians were taught to regard Americans with aversion, and to believe that nobody had any rights in Oregon save under the British flag, and they did not venture to trade at the two or three posts which Americans did succeed in establishing. British or Canadian law was declared to prevail in all parts of the territory, and the agents of the company did not hesitate to use violence, if necessary, to enforce that law and to enforce their own will. Doubtless an American company, similarly organized and conducted, and similarly backed up by the American government, could have gained an equal footing and could have held its ground against the Hudson Bay corporation. But no such company arose, and the United States government had no thought of chartering and supporting one. The few Americans who did go thither as fur traders were helpless before the ten times greater numbers of their British rivals. At no time, probably, were there more than two hundred Americans in the territory, while there were more than two thousand British. Simpson, the governor of the Hudson Bay Company, declared that they were "resolved to expel the Americans from traffic on that coast," even if it cost them as much as a hundred thousand pounds sterling; and a little later, in 1839, one of the

American pioneers there declared that the United States as a nation was unknown west of the Rocky Mountains.

The British policy was not, obviously, well designed for the establishment of secure and permanent sovereignty. An empire cannot be built upon scattered trading posts, factories, and forts. Semi-military agents with Indian ''wives'' and half-breed children, cannot found a nation. It was obvious that the men who finally came in, with wives and families of their own race, to develop agriculture and the other industries of civilization, would become the real possessors of the land. The initial overture for such colonization was effected in a peculiar, probably a unique, manner. In 1832, four Flathead Indians appeared in St. Louis. Many others of their tribe frequented that city on various errands, chiefly pernicious to themselves. But these four were earnest seekers after spiritual light and leading. Up in ''the continuous woods where rolls the Oregon and hears no sound save his own dashings,'' they had heard from some trapper something of the white man's God. From some wandering Iroquis, also, they had heard that the worship of God, and the study of a book called the Bible, were the secrets of the superior strength of the pale-faced race. Therefore these four men, two aged braves and two young warriors, traveled the long trail from the Columbia to the Mississippi, in quest of what they hoped would be the salvation of their people. They knew General Clark, who a generation before had visited their country with his companion, Lewis, and they sought him out, and were hospitably received. But they were disappointed in their quest for spiritual light. The two old men died at St. Louis, and the two young men returned to Oregon empty-handed and heavy-hearted.

But a young clerk in a shipping office noted their departure and its circumstances, and reported the sad incident to friends in the East, at Pittsburgh. George Catlin, also, the writer and painter of Indian scenes, was conversant with the case and added his testimony. As a result, Christian people were shamed and spurred to action, and several missionaries hastened to Oregon. Chief among them were H. H. Spalding and Marcus Whitman, young men, just married, who took their brides with them to the western rim of the continent. They reached Fort Walla

Walla on September 2, 1836; and a new epoch in Oregon history was that day begun. We need not here review the romantic story of their journey, or of Whitman's subsequent ride back to the East; and the interminable controversies which have arisen over it. What is pertinent and indisputable is that Spalding and Whitman were followed by other missionaries, and by practical colonists with their wives and families, intent on establishing in Oregon a genuine civilization radically different from and incompatible with the sway of the trappers and fur traders. The agents of the Hudson Bay Company strove to keep them back, by suasion, by deceit, by menace, and sometimes by actual violence. Especially did they, and did Sir George Simpson, the governor of the company himself, spread through the United States the false impression that there was no wagon trail across the mountains and that Oregon was practically inaccessible by the overland route. ''The United States,'' prophesied Simpson, oracularly, ''will never possess more than a nominal jurisdiction, nor long possess even that, on the west side of the Rocky Mountains. Great Britain and Russia,'' he continued, ''would control the destiny of the human race, particularly on the western coast of this continent''; and to promote that object he urged British seizure and occupation of San Francisco.

The persistence of Americans in seeking to get to Oregon, however, convinced the British that they must change their tactics, and must colonize the country with actual settlers if they would hold it permanently. In 1841 and 1842, accordingly, some hundreds of families were brought in from Canada, and a steady stream of such migration was started. Exultation was openly expressed over the fact that thus the land would be possessed in advance of the coming of the Americans and that the latter would be shut out. Whitman was a keen and interested observer of these things, as he had also been of the vast possibilities of colonization in Oregon. He had heard, too, that Webster and Ashburton were negotiating at Washington a treaty which would establish the boundary between the United States and British America, and he feared that in it Oregon would be sacrificed. Accordingly, having other business in the East, he determined to return thither at once and to utilize the opportunity by bearing to Washington first-hand information of the value of Oregon and of the efforts which the British were making to monopolize it. He made the arduous and perilous trip across the continent in midwinter, and reached Washington early in March; to find that the boundary drawn in the Webster-Ashburton treaty stopped at the Rocky Mountains and that the Oregon question had been left untouched.

There are no authoritative records of Whitman's visit to Washington or of his doings there. His old associate, Spalding, however, subsequently related that he had an interview with Webster, whom he failed to convince of the value of Oregon; and also one with President Tyler, whom he did convince. Others have said much the same; adding that Whitman found Webster about to renounce all title to Oregon in exchange for fishery rights in Newfoundland, and was unable to stop him; but that Tyler, on hearing Whitman's story, did stop those negotiations. For this latter story there seems to be no good foundation, while circumstantial evidence against it is literally overwhelming. No reproach can truly fall upon the fame of Webster for his attitude toward Oregon. There is no reason to suppose that he ever for a moment thought of sacrificing it. Nor is there reason for regarding Whitman as the sole savior of Oregon, without whom that territory would have been lost. But his ride was heroic, his purpose was patriotic, and the service which he rendered in giving the Government and the public accurate information was exceedingly valuable. His greatest service was rendered in arousing public interest in Oregon, in promoting migration thither, and in demonstrating the entire practicability of sending wagon trains across the mountains; disproving the sententious dictum of "The Edinburgh Review" in July, 1843, that "Oregon will never be colonized overland from the Eastern States." At the time when those words were published, Whitman was leading hundreds of wagons overland into the Columbia Valley, with Frémont, the "pathfinder," in his train.

That winter Oregon loomed large in Congress. On January 8, 1844, news reached Washington that Whitman had reached Oregon with his great train of colonists, in complete success. That very day a resolution was introduced in the Senate asking for copies of all the diplomatic correspondence relating to Oregon. It did not pass, but two days later a like resolution was passed by the House. The impression was deepened that Great Britain was gaining undue advantages from the joint occupation system, and it was urged in Congress that the required twelve months' notice for terminating that arrangement should be given. This was coupled with the demand, probably at this time first voiced by James Buchanan, in the Senate, that we should insist upon having the whole territory up to the Russian line at latitude 54 degrees, 40 minutes.

Unhappily, there also arose, in Congress and in the nation, a bitter and unreasoning animosity toward England, for the first time since the War of 1812. The old grievances of George III's time, including the Stamp Act and the tea tax, were revamped, and there were even wild appeals for war. Benton, in the Senate, said: "Let the emigrants go on and carry their rifles. We want thirty thousand rifles in the valley of the Oregon; they will make all quiet there, in the event of a war with Great Britain for the dominion of that country. Thirty thousand rifles on the Oregon will annihilate the Hudson Bay Company and drive them off our continent." And he added that the war would not be confined to Oregon, but would embrace the possessions of the two powers throughout the globe. There were, it is true, men of light and leading who not only did not share but strongly rebuked these violent sentiments; but the jingo spirit was in the ascendant, toward Oregon as toward Mexico, and there was soon formulated the campaign war-cry of that year, "Fifty-four forty, or fight!"

Meantime diplomacy was again busy. Richard Pakenham was sent over by the British government early in 1844 to negotiate a settlement in Oregon. His work was interrupted by the tragic death of Upshur, the secretary of state, at the end of February, but was renewed in the summer, with Upshur's successor, Calhoun. The proposals of Pakenham were the same as those of Huskisson and Addington, in 1827, while Calhoun renewed those of Rush and Gallatin, offering, however, the forty-ninth parallel as an ultimatum. Neither could make any impression upon the other by the mere rethreshing of old straw. At the same time James K. Polk was standing successfully for the Presidency on a platform which asserted that the American title to the whole of Oregon up to the Russian line was ‘‘clear and unquestionable,’’ and that ‘‘no part of the same ought to be ceded to England or any other power’’; and his followers were convulsing the country with the cry of ‘‘Fifty-four forty, or fight!’’ Pakenham therefore despaired of reaching an agreement with Calhoun, who confessed himself committed to a policy of ‘‘masterly inactivity,’’ and in January, 1845, proposed that the dispute be referred to arbitration. After a few days’ consideration Calhoun declined this offer, saying that the President (Tyler) held that it would be unadvisable to entertain a proposal to resort to any other mode, so long as there was hope of arriving at a satisfactory settlement by negotiation. If such hope existed, however, it was certainly not shared by Pakenham, nor did Tyler or Calhoun give other evidence of its possession. Negotiations were dropped, not to be resumed until after Polk had been installed as President and had in his inaugural address reaffirmed the identical words of his campaign platform about the ‘‘clear and unquestionable’’ title of the United States to the entire territory of Oregon, from California to Russian America. This declaration of Polk’s was regarded in Great Britain, both officially and popularly, as a direct defiance, and it was answered in like spirit. Not since 1815 had the two countries been so near to war as at that time.

Calhoun had returned to the Senate and had been succeeded as secretary of state by James Buchanan; the annexation of Texas had been effected, providing the desired expansion of slave territory at the South; a war with Mexico was inevitably impending; and the pro-slavery leaders who were in control of the Government saw no reason why they should embarrass themselves with another war, with the greatest power in the world, for the sake of enlarging free territory at the North. True, the vehement and passionate demand of their party platform, their campaign cry, and the President’s inaugural address, all pledged the Government to insist upon having the whole of Oregon even at cost of war with England—‘‘Fifty-four forty, or fight!’’ But when one has climbed up to the coveted coign of vantage, why should he not kick down the ladder behind him? The campaign for Polk and the party had been won by virtue of the Oregon demand. Now let Oregon be repudiated! In the Senate, Calhoun still counseled "masterly inactivity." Whitman had opened the way for colonization of the territory, and if more Americans than British flocked in, why, Oregon would become ours.

Buchanan, as secretary of state, however, thought otherwise, and soon reopened negotiations with the British minister, Pakenham. On July 12, 1845, he proposed that the territory should be divided by running the line on the forty-ninth parallel, clear through to the Pacific. That would cut Vancouver's Island into two parts, but Buchanan offered to make free to Great Britain any port or ports that might be desired on the southern half. There was no mention of the free navigation of the Columbia River, which Great Britain much desired. Pakenham recognized this to be a marked recession from the extreme ground taken in Polk's inaugural, but he regarded it as quite unacceptable, chiefly because of the division of Vancouver's Island and the failure to grant free navigation of the Columbia River. He therefore did not take the trouble to refer it to his government, but on July 29 rejected it on his own responsibility and in terms which fell little short of being offensive. He hoped, he said, that Buchanan would "be prepared to offer some further proposals, more consistent with fairness and equity and within the reasonable expectations of the British government." A month later Buchanan made a tart rejoinder, and withdrew the rejected proposal, without suggesting anything in its place. Meantime throughout the United States the cry of "Fifty-four forty, or fight!" was raised again; and "All Oregon or none!" The North saw no reason why we should not fight for Oregon as well as for Texas.

Nothing more was done, however, until December 2, when Polk sent his first annual message to Congress. On March 4 he had insisted upon "Fifty-four forty." On July 12 he receded to forty-nine with some concessions below that line. On December 2 he swung back, inferentially, to fifty-four forty. It was necessary, he said, to determine whether the national rights in Oregon were to be abandoned or firmly maintained. "That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt." And he himself had defined those rights as indisputably covering the entire territory. So, to bring matters to a crisis, he recommended that the required year's notice be given for the abrogation of the joint occupation treaty of 1827. What this would mean was suggested in the further recommendation that the laws and general jurisdiction of the United States be extended over all American settlers in all parts of Oregon, that an Indian agency and sub-agencies be established there, that an overland mail route to the Pacific be opened, and that adequate military protection be afforded to the Oregon trail—the route followed by colonists entering that territory.

Even before this, as early as the latter part of October, the British government had made it known that it did not approve Pakenham's course in July, in so cavalierly rejecting Buchanan's offer, and it now renewed those representations, and Pakenham besought Buchanan to revive his proposal. Two cabinet councils were held over the matter, with the result that Polk directed Buchanan to refuse the request; adding that it was for the British government itself to make the next proposal, if it wished to resume negotiations. Congress and the country meanwhile made it clear that they heartily supported Polk's policy. Pakenham again sought out Buchanan, on December 27, begged him to renew his former offer, and handed him a note stating that the British government had instructed him "again to represent, in pressing terms, the expediency of referring the whole question of an equitable division of the territory to the arbitration of some friendly sovereign or state." Pakenham personally suggested that Switzerland, or the city of Hamburg, or Bremen, be chosen as arbitrator. Buchanan replied, in conversation, that he was strongly opposed to arbitration, but that if it were decided upon he would prefer the Pope of Rome as an arbitrator. As both the disputing nations were Protestant, and therefore heretic, the pope would have no partiality toward either. In this Buchanan was more bantering than earnest, a fact which Pakenham perceived, and the latter suggested in reply that instead of to an arbitrator the dispute be referred to a joint commission representing the two countries. Buchanan then said seriously that it was useless to talk of arbitration, for the President would probably not sanction, and even if he did the Senate would certainly refuse to ratify any such treaty.

On January 3, 1846, therefore, Buchanan formally declined the arbitration proposal, on the ground that it assumed in advance the validity of the British title to some part of Oregon, which the United States was not willing to admit. Pakenham replied with an offer to submit to arbitration the question whether either of the powers had valid title to any or all of the territory, and this also Buchanan declined.

The negotiations were next transferred to London. Buchanan wrote on February 26 to McLane, the American minister there, that, judging from the speeches and proceedings in the Senate, a proposition to fix the boundary on the forty-ninth parallel would probably be favorably received. This was somewhat surprising, seeing that the majority of senators had emphatically expressed their adherence to the ''Fifty-four forty'' demand. Nevertheless, McLane acted upon the hint, and on May 18 he wrote that he had had a full and free conversation with the British foreign minister, the Earl of Aberdeen, as a result of which the British government would send by the next steamer ''a new and further proposition for a partition of the territory in dispute.'' Meantime, after prolonged debate, both Houses of Congress passed by large majorities a resolution authorizing the President to give notice of the abrogation of the treaty of 1827, in order that the attention of the two Governments might be ''the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment'' of their differences and disputes. The notice was given through McLane to the Earl of Aberdeen on May 22.

The proposition from the British government, the coming of which McLane had announced in advance, reached Washington on June 6, and was presented by Pakenham to Buchanan. It proved to be a complete draft of a treaty, which provided for the adoption of the forty-ninth parallel as the boundary as far as the sea, that is to say, that great arm of the sea known as Birch's Bay; thence it was to run down the Canal de Haro and the Strait of San Juan de Fuca to the Pacific Ocean. This gave all of Vancouver's Island to Great Britain; but it was stipulated that the United States should have the right of free navigation of the strait and canal named—a superfluity, since the United States would have had that right in any event, by virtue of its ownership of one shore of those waters. All British subjects in all parts of Oregon were to be confirmed in ownership of the lands which they were actually occupying, and the Hudson Bay Company was to have the right to navigate the Columbia River. This was obviously a marked withdrawal from the former claims of Great Britain, as also from those of the United States. It was, however, a reasonably equitable compromise between them.

Polk was favorably impressed by it. But he remembered the extreme demands of his campaign, his inaugural, and his message, and he was in doubt as to the reception which the Senate would give to so sweeping an abandonment of them. One senator, Hannegan, of Indiana, had declared that if Polk were willing to compromise on the forty-ninth parallel, or to recede at all from ''Fifty-four forty,'' then he had ''spoken words of falsehood, and with the tongue of a serpent''; and many of his colleagues, particularly from the West, agreed with that sentiment. Before authorizing the secretary of state to sign the treaty, therefore, Polk took the unprecedented and unique step of submitting it to the Senate in advance and asking that body whether it would ratify it if the secretary should sign it! That extraordinary procedure was described by Daniel Webster as follows: ''In the general operation of government treaties are negotiated by the President and ratified by the Senate; but here is the reverse—here is a treaty negotiated by the Senate and only agreed to by the President.'' The Senate, however, acquiesced in this course. After three days' deliberation it approved the treaty, by a vote of thirty-seven to twelve, and on June 15 the document was signed, precisely as it had been drafted by the British government, without the change of a single word or letter. After its signature it was again submitted to the Senate and was ratified by a vote of forty-one to fourteen.

It was recognized by Buchanan at the time of the making of the treaty that there was left some uncertainty as to the rights of navigation of the Strait of San Juan de Fuca north of the forty-ninth parallel, and also as to the exact course of the boundary line through the Canal de Haro, and in the latter part of 1846 there arose a dispute as to the right of the British to colonize some of the islands lying east of the Canal de Haro, and between it and the mainland. Some correspondence on the subject passed between George Bancroft, the American minister in London, and Lord Palmerston, and it was continued in 1848 between Buchanan and Crampton, the British minister at Washington. These negotiations resulted in nothing, however, and as settlers were then flocking into the territory there arose danger of awkward complications. The northern half of the American share of the Oregon country was organized into the Territory of Washington, and in 1854 the legislature met for its first session and undertook to incorporate the Island of San Juan into one of the counties of that territory. The next year William L. Marcy, who had become secretary of state, urged the Governor of Washington Territory to refrain from and to restrain all acts which might provoke a conflict, but without waiving any of the rights or claims of this country. In August, 1856, it was agreed that a joint commission, consisting of a commissioner, an astronomer, and a surveyor from each country, should be appointed to determine the boundary. These commissioners held a number of meetings, from June to December, 1857, which ended in hopeless disagreement. The Americans insisted that the line should pass through the Canal de Haro, immediately adjacent to Vancouver's Island, thus giving to the United States the archipelago between Vancouver's Island and the mainland at Bellingham Bay. The British on the other hand wanted it to run along Rosario Channel, next to the mainland, giving the islands to Great Britain. A suggestion was made by the British commissioner of a line through San Juan Channel, giving San Juan Island to Great Britain and the rest of the archipelago to the United States; but this was rejected by the American commissioner.

In 1859 there was danger of a violent clash, when Hudson Bay Company officers on San Juan Island threatened to exercise jurisdiction over some of the American settlers there. The result was the prompt occupation of the island by American military forces. Diplomatic negotiations were then resumed, between Lewis Cass, the American secretary of state, and Lord Lyons, the British minister at Washington, and in December, 1860, the latter proposed a reference of the dispute to arbitration by the King of the Netherlands, the King of Sweden and

Norway, or the President of Switzerland. It does not appear that any reply was made to this proposal, the United States being then on the verge of the Civil War, nor were there any further negotiations for several years. But in 1866, the Civil War then being ended, the United States government again turned its attention to the matter, chiefly on account of the conflict between its own civil and military authorities, each of whom claimed sole jurisdiction over San Juan Island. The result was that Reverdy Johnson, the American minister to Great Britain, and Lord Clarendon made, on January 14, 1869, a convention for submitting the boundary question to the arbitration of the Swiss president. But the United States Senate declined to take any action upon this treaty, and it lapsed for lack of ratification. When the Joint High Commission of 1871 met at Washington the matter was again taken up and the British commissioners proposed arbitration on the basis of the Johnson-Clarendon agreement. The Americans declined this, but suggested that the Joint High Commission itself might effect a settlement. To this the British assented, and a general discussion of the conflicting claims ensued. After some weeks, however, they were no nearer agreement than at the beginning, and then, on April 22, 1871, it was decided to submit the matter to the arbitration of the German emperor. The question to be submitted to him was whether the boundary should pass through the Canal de Haro or Rosario Strait, and his decision was to be final, without appeal.

The case was presented for the United States by the venerable George Bancroft, then minister at Berlin, who had been a member of Polk's cabinet at the time of the making of the Oregon treaty; and it was presented for Great Britain by Admiral Prevost, who in 1856 was a British commissioner for the demarcation of the boundary. Neither government could have selected a man more thoroughly conversant with the dispute or more competent to present its various phases to the distinguished arbitrator. The arbitral process was begun on July 29, 1871, when the emperor was formally requested, through his chancellor, Prince Bismarck, to act as umpire. Acceptance was expressed on September 1. The American argument was delivered, in writing, on December 12, and the British on December 15. The second and final statement was made by Great Britain on June 10, and by the United States on July 11, 1872. The emperor summoned to his assistance three eminent experts: Dr. Grimm, vice-president of the Supreme Court at Berlin; Dr. Goldschmidt, a member of the Supreme Commercial Court at Leipsic; and Dr. Kiepert, a pupil of Karl Ritter, the great geographer; each of whom made an individual report. The result was that on October 21, 1872, the emperor gave his award, to the effect that the claim of the United States, that the boundary should be drawn through the Canal de Haro, was "most in accordance with the true interpretations" of the treaty of 1846.

Admiral Prevost was greatly disappointed at this, as he had confidently expected a verdict in his favor. The British government itself was sharply criticized in the House of Commons for having let the arbitration be limited to a choice between those two channels, instead of leaving it open for the arbitrator to select some intermediate line as a compromise. There was, however, no substantial ground for supposing that the emperor would have chosen any other line. An intimation was made that he was biased in favor of America, or at least against Great Britain, because of English friendliness toward France during the Franco-German War of the preceding year, but this was probably quite unfounded. The award was impartially made, on the merits of the case, and it was instantly and loyally accepted on both sides. Immediately upon receiving a copy of it the British government withdrew from San Juan Island the company of marines which it had stationed there, and a little later quadruplicate charts, with the boundary marked, were signed at Washington by Hamilton Fish, secretary of state, and by Admiral Prevost and Sir Edward Thornton, the British minister, together with a protocol defining the line. In his annual message on December 2 following, President Grant reported this achievement, and declared that it left us, "for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent." In after years another dispute did arise, which was not then foreseen, but at the time that statement of Grant's was quite true.

Meantime some other issues arose in connection with Oregon. When all the mainland south of the forty-ninth parallel was conceded to the United States by the treaty of 1846, the Hudson Bay Company had thirteen forts and other establishments therein, and the Puget Sound Agricultural Company had two farm establishments. The treaty provided that the property rights of these corporations should be respected, and that navigation of the Columbia River should be open to the British; but that if the United States government should at any time desire to take these lands, it might do so at a mutually agreed valuation. Both companies soon began to complain of the encroachments of American settlers and of the failure of the United States to give them due protection, and they offered to sell out all their holdings to this country. Negotiations were conducted for several years, from 1848 to 1850, without result, but in 1863 W. H. Seward, the American secretary of state, and Lord Lyons, the British minister at Washington, made a treaty for the purchase of the property and rights of the two companies by the United States. Alexander S. Johnson of New York and Sir John Rose of Canada were appointed commissioners, and Caleb Cushing was chosen as counsel for the United States and Charles Dewey Day for the British companies. Benjamin R. Curtis of the United States was selected by the commissioners as umpire. The case lasted from January 9, 1865, to July 11, 1869, when the commissioners made a final award. Under this the United States was to pay to the Hudson Bay Company on account of its possessory rights and claims the sum of $450,000, and similarly to the Puget Sound Agricultural Company $200,000. The award was accepted and fulfilled. An attempt was made by Pierce County, Washington Territory, to have a considerable sum withheld from the Puget Sound Agricultural Company, on account of local taxes which the company was said to be owing, but the Attorney-General of the United States held that this could not be done; for since the award provided that the sums named should be paid "without any deduction whatever," any such withholding would be a breach of treaty. The purchase sums were therefore paid in full, and the two companies deeded all their possessory rights and claims to the United States.

XVI

ISTHMIAN INTERESTS

THE Panama Congress, which the United States treated so shabbily in 1825–26, was intended to discuss and to promote, among other topics, the project of an interoceanic canal across the Central American Isthmus at some one of the various points which had been under consideration since the days of Hernando Cortez, three centuries before. This intention was brought to the notice of the American government, and the secretary of state, Clay, replied to the envoys that the question of such a canal might properly be discussed at the Congress, and that the canal itself, if it should be constructed, would confer its greatest benefits upon the American continents, and would be of interest to the entire world. At about that same time José Canaz, the first Central American envoy to the United States, also broached the subject. In a written communication he invited the United States to join Central America in the enterprise of constructing a canal, and to share, also, in the special benefits which the work would confer; to that end suggesting a treaty between the two nations which would perpetually secure the canal as their joint possession. There was an insuperable objection to entering into such an alliance. But Clay was at least sympathetic toward the project, and assured Canaz of "the deep interest taken by the Government of the United States in an undertaking so highly calculated to diffuse an extensive influence on the affairs of mankind." He also instructed Williams, the United States minister to Central America, to investigate the matter carefully and to report all obtainable data concerning the practicability of constructing a canal at Nicaragua. The Central American government, disappointed in its hope of making an alliance with the United States and of having this country for a partner in the canal enterprise, ordered on its own account the construction of a canal at Nicaragua, and gave a concession for the work to one Beniski.

that part of the world. This treaty gave to the United States a full and exclusive right of transit, by railroad, canal, or otherwise, across that part of the American Isthmus which lay within New Granadan territory, to wit, the Chiriqui, Panama, San Blas, Caledonian Bay, Mandingo, Atrato, and other proposed canal routes. An American company promptly constructed a railroad across the isthmus at Panama, and that forthwith became the chief route of interoceanic transit. A canal route was also surveyed, but no other work was done on it at that time.

In return for this concession, the United States formally recognized New Granada's rights of sovereignty over the Panama Isthmus, and undertook ''positively and efficaciously'' to guarantee that country's possession of it against any and all attacks from whatever source; and also to make absolutely neutral all routes of transit across that territory. In brief, the United States established a protectorate over New Granada, so far as the isthmus was concerned. It guaranteed the independence and integrity of that foreign country. It was the most advanced step in that direction that the United States had ever taken, if indeed it has ever since exceeded it, and it was a development of the Monroe Doctrine which might well have aroused the attention of the world, and might have provoked some challenge had there been any nation in a position to challenge it. But all the nations of the European continent were involved in revolutionary movements at that time, and Great Britain was too intent on breaking down the Monroe Doctrine in Nicaragua to care much how greatly it was exploited at Panama. So the treaty stood unchallenged, destined to have a profound effect in after years.

No sooner had this been done, than we turned again to Nicaragua. That country had begun to resent the aggressions of Great Britain and was desirous of escaping from the terms of a treaty which that power had extorted from it. Moreover, the natural waterway which the San Juan River and Lake Nicaragua afforded for the greater part of the distance across the isthmus made that region particularly attractive to enterprising capitalists. An American company, therefore, in 1849, sought a contract with the Nicaraguan government for the construction of a canal, and that Government, in direct defiance of its treaty with Great Britain, made the desired bargain. The American promoters essayed to begin work, but found the British in possession of the San Juan River, an essential part of the route. That fact was reported in the United States, and, as the Nicaraguans had shrewdly calculated, a vigorous anti-British storm of popular sentiment arose. President Polk thereupon hastily despatched Elijah Hise to the scene, advising him in vigorous terms as follows: "The object of Great Britain in this seizure is evident from the policy which she has uniformly pursued throughout her history, of seizing upon every available commercial point in the world whenever circumstances have placed it in her power; and now it seems her evident purpose, by assuming the title of protector over a miserable, degraded, and insignificant tribe of Indians, to acquire an absolute dominion over the vast extent of sea coast in Nicaragua, and to obtain control of the route for a railroad and canal between the Atlantic and Pacific oceans." The scandal of the British assumption of a protectorate over the Moscoes or Mosquito Indians was indeed flagrant, and was not undeserving of Polk's characterization. Yet no explicit instructions were given to Hise as to his course of procedure, excepting that he was not to make any treaty with Nicaragua, for the reason that the United States, as Buchanan told him, had not yet determined what course it would pursue in regard to the British encroachments. He was simply reminded that "the United States would not look with indifference on encroachments of European powers in the domestic affairs of the American republics."

Hise, however, was possessed of enough of the spirit of some former and greater diplomats not to be fettered by timorous or ill-formed instructions. On reaching Nicaragua he quickly perceived the real state of affairs, and his patriotic zeal arose to a high pitch. To his mind the Monroe Doctrine and the purpose of the treaty which had just been made with New Granada greatly transcended the instructions which he had received. He therefore hastened from the San Juan coast up to the capital and requested the Nicaraguan government to designate a commissioner to negotiate a treaty. The Government was eager to respond and Beneventura Silva was named to treat with him. In a short time they prepared and on June 21, 1849, signed a comprehensive treaty, which granted to the United States or a company of its citizens the exclusive right to construct and operate a transit route across Nicaragua, and to take without cost all lands needed for the purpose. Free ports were to be established at the terminals, but the United States was to construct any fortifications which it might desire along the route. The neutrality of the canal was to be guaranteed by the United States. This country was, moreover, to guarantee Nicaragua's sovereignty over all the territory which she claimed, from sea to sea, and was forever to "protect and defend" that country in its "sovereign rights and dominion over the coasts, ports, lakes, rivers, and territory" which were justly within its jurisdiction.

This was vigorous diplomacy with a vengeance. In general and in detail this treaty traversed and defied the British claims. The recognition of Nicaraguan sovereignty over the Caribbean coast was a flat denial of the British protectorate over the alleged "Kingdom of Mosquitia," and the constitution of Greytown into a free port under the protection of American fortifications was blunt notice to the British to abandon their occupation of that town. This treaty was sent home to Washington, but Polk did not submit it to the Senate and it was never ratified. Perhaps that was well, for in the conditions which then prevailed it might easily have led to war. Its terms were made public, however, and commanded universal applause throughout the United States. Polk's term then expired and he left the Presidency without having to explain to the American people his negligence in permitting flagrant British aggressions in Nicaragua, or to Great Britain the meaning of Hise's defiant and pugnacious diplomacy.

Taylor succeeded Polk as President, with John M. Clayton as his secretary of state. This was a Whig administration, instead of Democratic, as Polk's had been, and the policy of the Government was radically changed. Instead of continuing the expansionist and belligerent views which Southern statesmen had indulged, the Northern Whigs now looked at matters with calm, commercial eyes. The isthmian canal scheme was to them a financial rather than a diplomatic enterprise. American capitalists were eager to invest their money in what they believed would be a profitable undertaking, provided that the Government would assure them protection. English capitalists were also ready to join in the work, and indeed their funds would probably be needed. The administration saw, therefore, no reason why America and Great Britain should not be partners in the enterprise. Toward such a consummation the first step was the repudiation of Hise. He was recalled and his treaty was disavowed. In his place E. G. Squier was sent to the isthmus, with instructions from Clayton to make a new treaty with Nicaragua which would assure ''equal right of transit for all nations through a canal which should be hampered by no restrictions, either from the local government or from the company which should undertake the work.'' Above all things, he was ''not to involve this country in any entangling alliances, or any unnecessary controversy.'' Meantime the American Canal Company at Nicaragua had been reorganized and expanded, and was eager to begin work as soon as a satisfactory concession could be secured.

Squier went to Nicaragua promptly, and he, too, at once became possessed of the same spirit that had animated Hise, though it was tempered with more diplomatic discretion. He vigorously resisted and condemned the extravagant British claims, and promoted the interests of the American company to so good purpose that on September 23, 1849, it was able to secure the favorable concession which it desired. It secured the right to construct a canal from any point on the Caribbean coast, quite regardless of British pretensions, to any point on the Pacific; to have a monopoly of steam navigation on all Nicaraguan lakes and rivers; and to take land for canal purposes and for American colonization. Squier also made a treaty with the Nicaraguan government, in which the company was assured of its right of way from sea to sea, and the neutrality of the canal was guaranteed and Nicaragua's rights of sovereignty were recognized and were to be protected by the United States. A special clause was inserted, offering similar rights to other nations which might negotiate similar treaties with Nicaragua. Thus Mr. Squier imagined that he had gained substantially the same end that Hise had sought, but in a more diplomatic way and without binding the United States to any exclusive control of the canal.

At this time, it is to be remembered, the British had actual possession of Greytown, the Caribbean terminal of the route, and they now, while Squier was at work in Nicaragua, began intrigues for gaining possession of the Pacific terminal. This was in the Gulf of Fonseca, upon which not only Nicaragua but also Honduras and Salvador fronted. Honduras owned Tigre and other islands in the gulf, which dominated any possible outlet of the canal in those waters. On the basis of some old claims for debts or damages Great Britain probably hoped to seize some or all of those islands. Getting some inkling of this, the expeditious and intrepid Squier, without waiting for instructions, rushed up into Honduras and on September 28, 1849, made a treaty securing land on Tigre Island and on other parts of the shore of the Gulf of Fonseca, for naval stations and fortifications. A protocol was added, ceding the whole of Tigre Island to the United States for a year and a half, pending the ratification of the treaty. The British response to this bold defiance came quickly. A squadron was sent to the Gulf of Fonseca, Tigre Island was seized in alleged satisfaction of claims, and the British flag was raised upon it in token of the sovereignty of the crown. This was on October 16. Squier instantly notified the British plenipotentiary, Chatfield, that he had illegally seized land belonging to the United States, and ordered him to evacuate it. Chatfield returned a flat refusal. Squier thereupon told him that if he did not evacuate Tigre Island in six days, his occupancy would thereafter be regarded and dealt with as an act of unfriendly and violent aggression. So close were the nations to war, when diplomacy at Washington intervened to quiet the angry passions which had arisen on the isthmus.

The Taylor administration at Washington was in an awkward predicament. It was Whig in politics. But there was a Democratic majority in the Senate. Treaties must therefore be made with foreign countries with a view to the approval of the opposition. If the administration backed down too far from the advanced ground taken by Hise, whom it had repudiated, and by Squier, whom it had commissioned in his place, it would incur the reproach of cowardice in the face of British bullying. On the other hand, if it stood its ground too resolutely, it might incur war with Great Britain, which it certainly did not want to do. Clayton, therefore, sought escape from the dilemma by negotiating for an immediate agreement with Great Britain, under which the two nations would coöperate in the construction of the canal. This would, he hoped, gratify those whose chief aim was commercial and who wanted a canal on almost any terms; and he hoped that this sentiment would be strong enough to overcome the opposition which pugnacious and aggressive senators would be likely to offer. Secrecy and expedition were essential to the success of the scheme. He therefore took Crampton, the British minister, into his confidence, explained to him the embarrassing plight in which the administration found itself, and asked him to help it out of it on some terms which would be mutually satisfactory. He suggested that the Hise treaty should be totally abandoned; that Great Britain should so modify her claim to the Mosquito coast as to give the canal a neutral outlet; and that treaties should be made by both powers with Nicaragua giving exclusive rights to neither. The United States, he declared, "sought no exclusive advantage, and rather wished the canal to be a bond of peace between the two countries than a subject of jealousy."

Abbott Lawrence had then just been appointed minister to Great Britain, but had not started for that country, and as all possible haste was desirable, Clayton directed William C. Rives, who had been appointed minister to France and who was setting out thither in advance of Lawrence, to go first to London and lay the matter before Lord Palmerston, the British foreign minister. Rives did so, and secured from Palmerston a most cordial response, to the effect that the British government would regard with favor any plan for making the canal a common highway for all nations. This was not at all surprising, seeing that the United States was practically acquiescing in the British claims to the Mosquito coast—nearly all the Caribbean coast of Nicaragua. A little later Lawrence reached London and took up the negotiations which Rives had begun, but proceeded on slightly different lines. He reminded Palmerston that although the United States had an exclusive treaty with New Granada at Panama, yet British and American capitalists were jointly interested and working in the construction of the railroad across that isthmus. Similarly, they should coöperate in the Nicaragua Canal. He further suggested, to complete the parallel, that Great Britain should join the United States on equal terms in the treaty guarantees to New Granada, just as the two nations should unite in such provisions at Nicaragua. In one respect, however, Lawrence did not follow the plan outlined by Clayton. He was not willing to concede the British title to the Mosquito coast, or to San Juan (Greytown), which was to be the eastern terminus of the canal. The United States claimed no land at Panama, and so he thought that Great Britain should renounce her claims at Nicaragua. He soon found, however, that Palmerston had no idea of doing any such thing, but meant to hold on to all that Great Britain had claimed. This was, indeed, the crux of the whole case, as Lawrence presently perceived. Great Britain cared far more for the seizure and possession of the Nicaraguan coast than for the construction of the canal. This moved Lawrence to look carefully into the question of the British claims. He went carefully and laboriously through a vast mass of historical documents and records, with the result that he became convinced, as he wrote home to Clayton, that the British claim of a protectorate over the Mosquito coast had no basis in history, public law, or justice.

Clayton, unfortunately, was too intent upon pushing his own plan through to give due weight to Lawrence's findings and recommendations. To enter upon diplomatic discussion of the Mosquito business would mean delay which might be fatal to the canal scheme. So he directed Lawrence to cut the matter short by asking Palmerston whether the British government "intended to occupy or colonize Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," and also "whether Great Britain would unite with the United States in guaranteeing the neutrality of a ship canal, railway, or other communication, to be open to the world and common to all nations." Lawrence was most reluctant to abandon the Mosquito controversy and practically to concede the British claims; but he obeyed orders, and absolved himself of all further responsibility for what he considered a betrayal of the Monroe Doctrine and of American interests.

Palmerston promptly answered the question which Clayton, through Lawrence, put to him. Since Clayton acquiesced in the British seizure of the Mosquito coast, he was quite willing to say that Great Britain had no thought of further occupation or colonization. Being secure in the possession of all it had grabbed, that country was quite willing to coöperate with the United States in the construction of the canal and in the maintenance of it open to all the world on equal terms. Palmerston, however, determined if possible to reinforce the British position by securing from the American government not merely a tacit but a categorical recognition of the Mosquito protectorate. Accordingly he added to his answers to Clayton's questions the statement that ''though there existed a close political connection between the Crown of Great Britain and the State and Territory of Mosquito,'' the British government claimed no dominion there; and he promised that the British government ''would freely undertake to obtain the consent of Mosquito'' to arangements which would make that territory and its ports available for the purposes of the desired canal. Of course, if the United States took no exception to this, it would be very explicitly acquiescing in the British pretensions to the Mosquito protectorate.

Clayton fell into the trap. It may be matter of speculation whether or not he fully appreciated the purport of Palmerston's words and the significance of his own acquiescence in them. At any rate he took no exception to them, but on the contrary declared himself to be fully satisfied with the British reply to his questions. Lawrence doubtless saw the trick and would have resisted and defeated it if he had been permitted to do so. But again Palmerston was too shrewd for the American state department. Instead of having the negotiations completed at London, by Lawrence and himself, he proposed to compliment Clayton by sending a special envoy to negotiate directly with him at Washington. To this Clayton agreed, and a particularly astute diplomat, Sir Henry Bulwer, was sent to Washington expressly to negotiate a treaty on the lines already indicated. Lawrence felt himself rebuked and passed over because of his too zealous regard for American interests; but could do nothing save to send to Clayton the voluminous report of his researches into the British claims in Mosquitia, with a note of transmittal in which he said, with truthful prophecy, that whenever the history of the conduct of Great Britain should be published to the world, it would not stand for one hour before the bar of public opinion without universal condemnation. His report was laid aside, almost unnoticed; but in after years it was taken up, verified, and vindicated.

Clayton and Bulwer promptly began negotiations for a treaty, and from the first the former was overmatched by his wily antagonist. Bulwer reported to Palmerston that American interest in the Mosquito business was solely commercial, and arose merely from Nicaragua's having granted the canal concession to an American company. America and Great Britain would certainly never agree on it if the case were thoroughly discussed, and therefore he thought it best to avoid discussing it. He would give all his attention to making a treaty which would give to American commerce all it desired at Nicaragua, in a manner corresponding with the dignity and honor of Great Britain "and the disinterestedness of her protectorate over the Mosquito territory." Hardly, however, had negotiations on these lines fairly begun when news reached Washington of the British seizure of Tigre Island and the refusal to vacate it at the demand of the American minister who had made a treaty for its occupation by the United States. The Whigs in the Senate, supporting the administration, sought to minimize the importance of this incident; but the Democrats, in the majority, insisted upon exploiting it, and upon taking up at once for consideration and probable ratification the treaty which Squier had made with Nicaragua and which, if ratified, would preclude any such arrangements as those which Clayton and Bulwer had in view. When the Squier treaty was thus taken up, the senate committee on foreign relations asked the state department for all the correspondence, reports, etc., relating to it. This embarrassed Clayton. He knew that the examination of the papers by the committee would mean mischief for his negotiations with Bulwer, if indeed it did not mean war with Great Britain.

Accordingly he declined, or delayed, to give up the papers at that time, on the pretext that the matter to which they related was then under negotiation with the British minister. Then he hurried to Bulwer, disclosed to him his predicament and his fears, and begged him to waive formalities and to make a treaty at once. This was a unique performance, the American secretary of state seeking the aid of a foreign envoy against the American senate! Bulwer was without instructions from Palmerston, but he appreciated his opportunity, acted upon his own responsibility, and sought to do as Clayton desired. But the Squier treaty was out of Clayton's reach and in the hands of the Senate. Moreover, Clayton had not ventured to disclaim Squier's ultimatum to Chatfield concerning Tigre Island. Of course the British government had not disavowed Chatfield's seizures of that island and his defiance of the United States. But Bulwer shrewdly suggested that such a disavowal would be made, if in return the United States would recognize British rights along the San Juan River and let Great Britain have a half interest in the canal.

Clayton accepted this suggestion with avidity. He assured Bulwer that the Squier treaty would, if ratified, first be so modified as to be entirely inoffensive and acceptable to Great Britain, provided the latter would keep the Mosquito Indians from interfering with the canal. This was exactly in line with Bulwer's own scheme, and he unhesitatingly agreed to it. He disavowed Chatfield's seizure of Tigre Island, and Clayton disavowed Squier's ultimatum. Then they set to work to draft the treaty which has ever since borne their names.

When the first rough draft was made, Bulwer insisted that it must be sent to London, for Palmerston's approval. The delay was agonizing to Clayton, but had to be endured. The fact was known to Clayton's colleagues in the cabinet that a treaty was being negotiated, though its proposed terms were kept secret, and they urged him to insist, as a prerequisite to any agreement concerning the canal, that Great Britain should abandon the Mosquito protectorate. Clayton replied that he had attended to that phase of the situation satisfactorily, and it soon appeared that he had indeed done so, but it was to the satisfaction of Great Britain rather than of the United States. The treaty as drafted by Bulwer was approved by Palmerston, and the instrument was thereupon completed and signed, on April 19, 1850. It was sent to the Senate for ratification, and was rushed through that body with little debate or consideration, senators accepting the assurance that Great Britain had forever abandoned her policy of encroachment. Of course it was an inspiring idea that the two great nations were harmoniously to coöperate in the doing of an unprecedented work for the commerce of the world. The ratification of the treaty was therefore hailed with much enthusiasm, and Clayton won for a time much popularity.

The treaty provided that neither of the two countries should ever obtain or exercise exclusive control over the proposed canal, or build fortifications along its route; that neither should ever take possession of any part of Central America, or fortify it, or establish colonies there, or exert any dominion, or make use of any alliance or protectorate to that end; that they should mutually guard the neutrality and safety of the canal, and invite other nations to do the same; that they should jointly protect and support any satisfactory company in the construction of the canal; and that the same general principles were to be extended to any other transit route across the isthmus, at Panama, Tehuantepec, or elsewhere. Unfortunately, its language in places was so vague as to give rise to much uncertainty and dispute as to its interpretation. Clayton appears to have thought that it would require Great Britain to renounce her claims upon the Mosquito coast. If so, he was soon undeceived. Bulwer wrote him a note, giving the British interpretation of the treaty, to the effect that it did not apply to the British settlement at Honduras, or Belize, ''or its dependencies.'' To this Clayton agreed. He was quite willing to admit that the treaty did not interfere with British rights in Honduras, and he wrote to King, the chairman of the foreign relations committee of the Senate, asking him to confirm that principle. King had not seen the text of Bulwer's note, and he accordingly replied that ''the Senate perfectly understood that the treaty did not include British Honduras.'' He cautiously added, however, that Clayton in his reply to Bulwer ''should be careful not to use any expression which would seem to recognize the right of England to any portion of Honduras'' —meaning outside of British Honduras, or Belize. Clayton then wrote to Bulwer that British Honduras was exempted from the terms of the treaty, but he carefully declined either to affirm or to deny the British title to that settlement or its alleged dependencies. The treaty was thereupon ratified, and the ratifications were exchanged, and it was promulgated without being understood. Clayton filed away in the archives of the state department the note from Bulwer and his reply to it, and these remained unknown to the Senate and to the President.

A few weeks later President Taylor died and was succeeded by the vice-president, Millard Fillmore, and Daniel Webster became secretary of state in Clayton's place. This change caused Bulwer some apprehension, lest the Squier treaty should be brought forward again, and he accordingly went to Webster and reminded him of Clayton's promise that, in return for the Clayton-Bulwer treaty, certain parts of the Squier treaty should be dropped. Webster felt himself bound by his predecessor's promise, and accordingly assured Bulwer that no further action would be taken in that matter. Soon afterward Congress adjourned, and the Squier and Hise treaties both perished. The canal company proceeded with its surveys under joint British and American patronage, and for a time there were expectations that it would be successful.

Great Britain, however, soon demonstrated in a practical way her interpretation of the treaty, as not at all interfering with her pretensions and designs on the Mosquito coast, which was what Bulwer had shrewdly referred to as one of the "dependencies" of British Honduras, to which the treaty did not apply. A British warship promptly proceeded to San Juan, or Greytown, and landed a force of marines. Chatfield informed the astonished Nicaraguan authorities that this was done under the terms of the Clayton-Bulwer treaty, which recognized the claims of the Mosquito "King" and the British protectorate, and denied wholly the claims of Nicaragua. He added that the Mosquito "Kingdom" extended from Honduras, to the San Juan River, and he advised the Nicaraguans to place themselves under the patronage of Great Britain, as able to do far more for them than the United States. A little later an American vessel, the *Prometheus,* arrived at Greytown, and British custom-house officers tried to collect from her some port dues. The captain refused them, an English man-of-war fired upon the ship, and the agent of the canal company appealed to the United States government for protection and redress. Webster took the matter up, promptly and vigorously, with the result that a sharp issue was drawn between the two countries over the interpretation of a treaty which was not yet a year old.

Meanwhile, having done all the mischief he could in Nicaragua, Chatfield went to Costa Rica. That State was half unfriendly to Nicaragua and not cordial toward the United States, and therefore it lent a ready ear to his suggestions. He made a treaty of amity and commerce, which was harmless enough in its terms, but which encouraged Costa Rica to assume an aggressive attitude toward Nicaragua, and to demand of the United States a recognition of her equal share with Nicaragua in the canal enterprise; this latter claim being based upon the perfectly plausible ground that Costa Rica owned half of the San Juan River. There thus arose a quarrel between Nicaragua and Costa Rica, in which Honduras and Salvador joined the former and Guatemala the latter. Open hostilities did not occur, but Central American politics and diplomacy fell into hopeless confusion.

The Government at Washington was much concerned over these things, but gave its first attention to settling accounts with Great Britain. Webster plumply demanded a distinct disavowal of the attempt to collect port dues from the *Prometheus* and of the firing upon that vessel. Palmerston had now been succeeded in the British foreign office by the more suave and subtle Granville, and the latter deemed it politic to yield on what was after all a minor point. So he replied that both the acts complained of had been committed without the authority of the British government. This was accepted as satisfactory, and Webster then took up with Crampton, who had resumed his duties as British minister at Washington after Bulwer's departure, the questions which had been raised by Costa Rica. As a result of their negotiations, a basis of settlement was agreed upon. Under this, a reservation of territory was to be made for the Indians on the Mosquito Shore, in which the Indians were to enjoy complete autonomy, and for three years Nicaragua was to pay them a small tribute. The municipal government of Greytown was to be surrendered to Nicaragua, but the port, as a port of entry, was to be under the administration of the canal company, under British and American joint protection. Costa Rica was to have the boundary adjusted in accordance with her claims. This scheme was readily accepted by Costa Rica, but Nicaragua revolted against it. She considered herself betrayed and abandoned by the United States, to which she had confidently looked for protection under the Monroe Doctrine, and she not only rejected the basis of settlement but issued a formal protest against any further meddling in her domestic affairs by foreign powers. The plan devised by Webster and Crampton was therefore abandoned, and Great Britain was left in possession of practically the whole coast of Nicaragua.

The controversy was then shifted to Roatan and the other Bay Islands, in the Bay of Honduras, north of the Mosquito coast. These had been seized by the British in 1841, but had since been so neglected that it was not clear whether Great Britain still claimed them or not. Americans had settled there, and one of them, William Fitzgibbon, had been elected by the Carib-Negro inhabitants to be their chief. Against this the English settlers protested, and a British warship was sent thither and Fitzgibbon was deposed. Then, on July 17, 1852, a formal proclamation was made by the British government, that the "Colony of the Bay Islands" had been created, with a governor and assembly, under the British crown. When news of this reached the United States there was much indignation, and on the reopening of Congress in December, 1852, a vigorous discussion of it arose. To bring the matter to a climax, Clayton's acceptance of Bulwer's adroit reservation concerning the treaty was brought to light and was laid before the astounded and embarrassed Senate. A profound sensation was created, when senators for the first time realized what they had done in ratifying that treaty. Many senators rose and avowed that this was the first they had known of Bulwer's note and Clayton's reply. Some blamed Clayton; others, King. But all these protestations and personal recriminations amounted to nothing in the face of the fact that the treaty had been ratified and was now a part of the supreme law of the land.

The Senate promptly set to work to devise, if possible, some way out of the predicament into which it had fallen. It could not deny the British right to all the "dependencies" of British

Honduras. But it did want to deny that right to the Mosquito coast and the Bay Islands. Therefore it must prove, if possible, that those regions were not ''dependencies'' of British Honduras. The committee on foreign relations addressed itself to this task, with all the ingenuity at its command, and succeeded in framing on historical grounds a pretty good case, convincing at least to itself, and thereupon adopted a resolution declaring that the establishment of a British colony in the Bay Islands and British control of the Mosquito coast were both in violation of the Clayton-Bulwer treaty. But this had, of course, no effect, save to put upon the state department and its diplomats the task of persuading Great Britain to acquiesce in it.

It was now the early part of 1853. Franklin Pierce was entering upon his administration as President, William L. Marcy was secretary of state, and James Buchanan was minister to Great Britain. Solon Borland was sent to Central America, with instructions to win back Nicaragua to friendship with this country by insisting upon respect for the Clayton-Bulwer treaty as our Senate's resolution had just interpreted it, namely, as meaning that Great Britain was to recede from the Mosquito shore, to renounce her protectorate over the Indians there, and to make no attempt to colonize any part of Central America. On reaching Greytown he found passions running high between the American Canal Company and the British-Mosquito authorities, the latter having demanded certain things which the former refused to grant. The captain of one of the company's steamers, Smith by name, killed a Mosquito Negro in an affray, and took refuge from arrest in the house of the American consul, where Borland was also living. The house was attacked by a mob, and the passengers and crew of the *Northern Light,* an American merchantman, came ashore to protect it, but were fired upon and driven back; taking Borland and Smith with them to the vessel. A volunteer guard was then placed over the canal company's office, and the *Northern Light,* with Borland and Smith aboard, hastened back to the United States. As soon as the doings at Greytown were known at Washington, the sloop of war *Cyane* was sent thither to protect American interests and to demand redress for the deeds of the mob. Its captain, Hollins, on his arrival demanded from the town authorities indemnity for the attack upon the consulate. This was refused. Then he went to the commander of the one British warship which was in the harbor and told him that unless the satisfaction demanded were given he would bombard the place. The British commander protested against such action, but did nothing more. Hollins then, after giving the inhabitants a day's notice, and offering them all safe conveyance to the adjacent American settlement of Punta Arenas, bombarded Greytown, and afterward landed marines to burn and destroy all that was left of the place. This was on July 9, 1854. The Americans then organized a provisional government, to control the port.

Meantime Buchanan went to London, with instructions similar to Borland's, and presented the American view of the Clayton-Bulwer treaty to Lord Clarendon. The United States, he said, would not dispute certain British rights in British Honduras; but it would insist that the Mosquito protectorate should be entirely abandoned, and that the Bay Islands should be surrendered to Honduras, as they were in no sense "dependencies" of Belize. These demands, Buchanan insisted, were justified by the plain meaning of the Clayton-Bulwer treaty. To this Clarendon replied at great length and with much detail of historic facts and circumstances. The Clayton-Bulwer treaty, he argued, did not require relinquishment of existing possessions but merely forbade further acquisition of territory in Central America. Therefore it did not call for British abandonment of the Mosquito protectorate; or of Belize, which the United States had recognized to be British territory by sending a consul thither. The Bay Islands, he insisted, were in fact dependencies of Belize. In conclusion, he declared that the British government would not recognize the Monroe Doctrine as a principle of international law, and would engage in no further discussion of British rights in Central America.

This brought matters to a deadlock, which might fittingly have been solved by abrogation of the Clayton-Bulwer treaty, for the ample cause that there was an irreconcilable difference of opinion as to its essential interpretation. That would have been an honorable and amicable course, but it was not taken. If indeed the United States had simply moved in that direction it is not improbable that Great Britain would have yielded and would have agreed to an interpretation or a modification satisfactory to the United States. For Great Britain was just then entering upon the conflict with Russia which culminated the next year in the Crimean War, and she would have been most reluctant to break the peace with the United States. But if the treaty was to be abrogated or revised the initiative would have to be taken by this country, for Great Britain was quite content to stand by her own interpretation. The United States did not, however, take such initiative. Instead, many violent anti-British speeches were made in Congress, and much popular ill-feeling against the United Kingdom was engendered. A little later British authorities resorted to the quite unjustifiable practice of enlisting recruits in the United States for the British army in the war against Russia. Our government ordered this stopped, and both powers strengthened their fleets in West Indian waters.

The United States did much worse than to neglect the opportunity, almost the duty, to abrogate or modify the Clayton-Bulwer treaty. It entered upon, or at least openly countenanced, a course of aggression in the West Indies and Central America which belied its professions and was little short of criminal. The slavery question, as a sectional issue, was rapidly becoming acute, and the pro-slavery leaders were looking about in frantic desperation for new slave territory in addition to that which had been wrested from Mexico.

Opportunely for them, a serious domestic conflict arose in Nicaragua between Conservatives and Liberals, and the latter, being the pro-American party, called upon Americans for aid. Response was made by William Walker, a Southerner, who had already become widely known as the leader of a filibustering expedition which unsuccessfully invaded Lower California. This ''gray-eyed man of destiny,'' as he was called, hastened to Nicaragua in June, 1855, with fifty-eight other American adventurers. He assumed the leadership of the Liberal forces, and in three months secured possession of the capital and control of most of the country. The Conservative government was ousted and a new government was formed in its place, with Patricio Rivas, a native, as president, but with Walker in real control as commander of the forces. Then one Kinney, another adventurer, who was supposed to be working in the British interest, landed on the Mosquito coast and organized a force of Indians and Negroes, with which to oppose Walker. On hearing of this, Walker hastened thither and drove him out of the country. This victory united all Americans in Nicaragua in enthusiastic support of Walker. The United States diplomatic agent, John H. Wheeler, who had succeeded Borland at Greytown, officially recognized the Rivas-Walker government, and P. H. French, one of Walker's fellow-filibusters, was appointed Nicaraguan minister to the United States.

This put the President in an awkward dilemma. If he recognized and received French, he would be countenancing Walker's scheme for annexing Nicaragua to the United States after the fashion of Texas, and that would enrage the Free State party in this country and precipitate the sectional conflict which was already menacing. On the other hand if he did not receive him, he would be accused of cowardice and betrayal of the American cause on the isthmus in the face of British aggressions. He finally elected to temporize, by having Marcy politely decline to receive French until he could be assured that the new government in Nicaragua, which the latter represented, was accepted by the people of that country and was likely to be stable and efficient. This was obviously the correct course to pursue. But it offended and infuriated Walker. That fire-eating Southerner discerned in it, he thought, the influence of Northern anti-slavery propagandists, even of the Northern capitalists of the canal company. In consequence, he had Rivas, who was his facile tool, on February 18, 1856, issue a decree annulling the charter of that company, and then seize all the company's property for debts. The officers of the company called upon the United States for protection, but the Government hesitated, as if uncertain what to do.

At this juncture a strong force from Costa Rica entered Nicaragua, defeated Walker, and seized all the property of the canal company. It was suspected that this was done at British incitement, if not with direct British aid, and this suspicion was vigorously promoted by Walker's partizans. The result was that another outburst of anti-British passion occurred in

Congress and throughout the nation. The Monroe Doctrine was rehearsed, the abrogation of the Clayton-Bulwer treaty was demanded—but not actually undertaken—and a new minister from Nicaragua in French's place, Father Augustin Virgil, was received at Washington. Thinking himself thus sure of the support of the United States, Walker then threw off his mask and revealed his real purpose. He deposed his puppet Rivas, and had himself declared dictator by the troops—ostensibly "elected president" by those parts of the country which were under army control. Then he issued a decree annulling the national law which had abolished and forever prohibited slavery in Nicaragua. But in his expectations of material support from the Southern States he was grievously disappointed. The crime was too flagrant; and the sectional controversy here was too grave to permit any such campaign for more slave territory. The United States abandoned him to his fate, and the Nicaraguans of all parties united against him and called upon the neighboring States to help them to drive from the land this would-be conqueror. An allied army of all the Central American States except Costa Rica soon defeated Walker and besieged him in a town on the Pacific coast. Before he could be captured, however, President Pierce, desperately seeking to clear up the dreadful mess into which the Government was getting in its Central American relations, hurried a vessel thither, to the commander of which Walker surrendered. With the consent of the allies the filibuster was taken to New Orleans for trial. This left Costa Rica, which alone had taken no part with the other allies against Walker, in possession of the canal route and the company's property, to which state of affairs Nicaragua objected, and a renewal of hostilities was imminent. At this Walker forfeited his bail in New Orleans, and returned to Nicaragua with nearly two hundred Southern filibusters. As soon as he landed, he was seized by Commodore Paulding, of the United States navy, and the whole party was brought back to New York.

About this time, in 1856, the Democratic National Convention met at Cincinnati to nominate a Presidential candidate. Pierce was discarded, partly because he had failed to support the Nicaraguan filibusters, and Buchanan was nominated in his place, on a platform which strove to minimize the slavery question at home by exploiting the importance of foreign affairs; declared that the Monroe Doctrine must be upheld, the isthmian transit route be controlled by us, and our ascendancy in the Gulf of Mexico be assured; and expressed sympathy with Walker and his fellow-filibusters in their efforts "to regenerate that portion of the continent." Buchanan of course approved these sentiments, and on becoming President he refused to hold Walker and the others as prisoners, and actually sent a message to Congress condemning Commodore Paulding for arresting them! With such encouragement Walker made a tour of the South, organized a third band of filibusters intent on the extension of slavery, and in June, 1860, returned to Central America. He landed on the Bay Island of Roatan, still in British possession. A Honduran force hastened against him, and he was captured while trying to get into Nicaragua. The Honduran authorities tried him by court martial, and condemned him to death; and he was shot at Truxillo on September 12, 1860.

Meantime, while the United States was giving its attention to these follies and crimes, British diplomacy was active and British aggression was inexorable. Great Britain had held its ground in both Nicaragua and Honduras, but by refraining for a time from further advance was able to present a contrast to the United States and its filibusters; so that both Nicaragua and Honduras began to look upon that country rather than the United States as their friend. Honduras made two treaties in 1856, under which the Bay Islands were to be made "a free territory," distinct from her sovereignty, and concessions were granted for a British railroad line across Honduras from sea to sea, the neutrality of which was to be guaranteed by Great Britain, though not under exclusive British control. The British protectorate over the Mosquito Indians in Honduras was to be withdrawn, but the Indians were to have an independent reservation of their own. At about this time Buchanan sent George M. Dallas to be minister to Great Britain, and a treaty was presently negotiated which on its face seemed to be a victory for America. Great Britain was to abandon her protectorate over the Mosquito Indians in both Honduras and

Nicaragua, and instead of it was to make arrangements in their behalf which would be satisfactory to the United States; the limits of Belize were to be defined; and the Bay Islands were to be given back to Honduras. But—and this was the winning card for Great Britain—all this was to be conditioned upon Honduras's ratification—and our acquiescence in—the two treaties which the British government had just made with that country.

Happily, the United States Senate was able to tell a hawk from a handsaw. It saw through this shrewd British trick and amended the treaty which Dallas made by striking out that conditional clause. Then the British government declined to accept it, offering instead a new basis of settlement, on which the Bay Islands would be recognized as a part of Honduras as soon as Honduras would make a treaty accepting the cession of them, subject to certain provisions and conditions to be set forth in that treaty. This was practically a proposal that we should sanction in advance a set of provisions and conditions the purport of which was entirely unknown. Manifestly, the Senate could not agree to this, and Honduras, too, concluded that she could not ratify the treaties which she had made. So all these negotiations ended in vanity and vexation of spirit.

In December, 1857, in his annual message to Congress, Buchanan directly suggested the abrogation of the Clayton-Bulwer treaty, in a temperate manner. "When two nations," he said, "like Great Britain and the United States, mutually desirous as they are of maintaining the most friendly relations with each other, have unfortunately concluded a treaty which they understood in senses directly opposite, the wisest course is to abrogate such treaty by mutual consent and to commence anew." That was no surprise to the British government, for Buchanan had made no secret of his purpose to make such a recommendation. Indeed, some time before, Lord Napier, the British minister at Washington, had written home that an attempt would be made at the next session of Congress to abrogate the treaty, and that Buchanan and his cabinet were in favor of such action. The British government, however, did not want that treaty to be abrogated, and did not mean that it should be, if it could prevent it. Napier therefore exerted all his diplomatic skill against it, and was effectively supported by his government. Taking advantage of the death of Walker, the end of filibustering, and the restoration of tranquillity to Central America except for a little friction on the Nicaragua-Costa Rica boundary, Sir William Ouseley was sent to Central America as a special representative of the British crown, to play the part of a general peacemaker and to compose all the lingering disputes among the States.

Napier, in reporting to Buchanan's secretary of state, General Lewis Cass, the mission of Ouseley, suggested that the differences between the two governments might be settled in either of two ways. One was, to submit the disputed points of the Clayton-Bulwer treaty to arbitration; the arbitrator, however, to be some European power—which would have meant in advance defeat for the United States. The other was, to abrogate the treaty and return to the *status quo* of 1852, in which the United States would practically recognize British sovereignty over Belize, the Bay Islands, and the Mosquito coast, and thus practically surrender the whole American case. The presentation of these alternatives considerably cooled Buchanan's ardor for abrogation, and he listened meekly to Napier's further suggestion that he should trust the good intentions of Great Britain, and that in this forthcoming message he should say nothing that might lead to immediate abrogation, since such action would probably frustrate Ouseley's benevolent mission and "have a calamitous influence on the future relations of England and America." Buchanan walked into the trap, and, credulously imagining that the British government would accept the American interpretation of the treaty, said nothing in his message in favor of abrogation.

Ouseley found Central America quiescent, the five States inclined to draw together for their general good, and all somewhat ill-disposed toward the United States and therefore favorably disposed toward Great Britain. The result of his mission was the making of three treaties, all highly favorable to the British claims and designs. One, with Guatemala, trebled the area of Belize and confirmed the British title to it. The second, with Honduras, restored to that country the nominal ownership of the Bay Islands, but imposed this condition, that Honduras should never surrender them on any terms to any other power. Under the third, with Nicaragua, Great Britain nominally withdrew from her protectorate over the Mosquito Indians and surrendered that coast to Nicaragua, but stipulated that a reservation should be set apart for the Indians comprising a great stretch of coast, in which the Indians were to have complete local self-government; Greytown was to be a free port; and all land grants which the Indians had made to Englishmen were to be confirmed. Thus Nicaragua was trapped into conceding Great Britain's right to intervene between her and the Mosquito Indians.

The British government promptly communicated these treaties to the United States, with an expression of hope that they would meet with approval and would finally settle all differences over the interpretation of the Clayton-Bulwer treaty. Buchanan again walked into the trap, and announced to Congress that ''a final settlement entirely satisfactory to this Government'' had been effected. As a matter of fact, the United States lost practically all for which it had contended, while Great Britain gained nearly all at which she had aimed. The Central American States were put into the position of receiving from Great Britain, as grants of her bounty, the very things which they and we had formerly declared to be their own by original right and title. The project of a canal across the isthmus was dismissed to the indefinite future. And then the Civil War in the United States came on, during which our Government had little time to give to the petty politics of Central America.

XVII

EARLY EASTERN RELATIONS

AMERICAN relations with the lands of the Pacific began at an early date, though it was many years before they reached an important stage of development. In the year following the making of peace at the end of the revolution, an American ship first entered the Chinese port of Canton. This was on August 30, 1784. The ship was named *The Empress of China,* in compliment to the country it was to visit, it hailed from New York, and it was commanded by Captain John Green. The supercargo, Samuel Shaw, wrote home to John Jay, the secretary of foreign affairs of the Congress of the Confederation, that the American flag had been treated with respect by the Chinese, and that because of this visit Americans had been placed "in a more conspicuous point of view than has commonly attended the introduction of other nations" into China. The vessel had been saluted cordially by two French men-of-war in the Straits of Sunda, and on its arrival at Canton, or Macao, it was similarly greeted by all the foreign vessels which were assembled there. The officers of these vessels and of the various European establishments visited the ship and made it plain that they recognized the United States as a new sovereign power in commerce as well as in war or politics. The Chinese were naturally at a loss to understand the difference between Americans and Englishmen, since both spoke the same language and dressed in the same garb. They were able, however, to appreciate the significance of a map of North America, which was shown to them, and they expressed much pleasure at the establishment of commercial intercourse with so extensive and populous a country. Thereafter many American vessels sought that part of the world. "They plowed the wide ocean in every direction," says Gutzlaff, the German historian. Ships bound for Canton by way of the Atlantic and Indian oceans touched on the way at ports of Africa, India, and the Dutch East Indies, and did much commerce there. Those going by way of Cape Horn engaged largely in the fur trade, taking seal and other skins from both the south and the north Pacific to China, where there was always an insatiable market for them. In a few years, indeed, Americans secured almost a monopoly of the fur trade on the Pacific. In 1801 they carried to Canton no fewer than 427,000 seal skins.

It was on the strength of the report which was made to him by Shaw, the supercargo of that first American ship at Canton, that Jay, on January 20, 1786, recommended to Congress consideration of the propriety of appointing consular officers at Canton and other Chinese ports. The suggestion was favorably received, and seven days later Shaw was made consul at Canton. No salary or perquisites were attached to the office, but Jay, in his letter transmitting the commission, remarked that "so distinguished a mark of the confidence and esteem of the United States" would naturally give its recipient a great degree of "weight and respectability" in China. Shaw was a man of fine character and high ability, who had served with distinction in the Revolution, and he was admirably fitted to be the first official representative of his country in the great Oriental Empire. At that time foreign vessels were not permitted to go directly to Canton. They halted at the Portuguese settlement of Macao, and there received special permission to proceed to Whampoa, fourteen miles from Canton, where they were compelled to be moored and to send their cargoes in native boats to a market place outside the walls of Canton. There the bargaining with Chinese merchants was done, and cargoes for the return voyage were secured by purchase or barter. Shaw reported that the Chinese merchants were punctual, exact, jealous of their good repute, and "a set of as respectable men as are commonly found in other ports of the world." Shaw died in 1794, while returning to the United States for a visit, and was succeeded by Samuel Snow, who had much difficulty in getting permission from the Portuguese government for him to live at Macao. Such permission had to be granted specially to each foreigner who wished to reside there, and it was granted only through the application of the secretary of state. Snow made application in due form, but never, apparently, received the permit. But he remained there on sufferance for ten years. In 1804 Edward Carrington succeeded to the place, and found that even in those remote regions British warships were searching American vessels and impressing members of their crews.

When the War of 1812 came on, American trade with Canton nearly ceased. There were some exchanges of prisoners between British and American vessels at Macao, and one British ship, the *Doris,* cruised for a time off that port, to seize all American ships which might approach. This gave great offense to the Chinese authorities, who told the commander of the *Doris* that if the British and Americans wanted to fight, or had any quarrels to settle, they must go elsewhere to do it and not violate the neutrality of Chinese waters. The commander refused to take the hint, and remained there and continued his seizures; at which the Chinese suspended all dealings with British merchants. After the war commerce rapidly revived and continued undisturbed until 1821, when a tragic incident occurred. An Italian member of the crew of an American vessel—the *Terranova*—accidentally dropped a heavy earthen jar over the side of the ship, which fell upon and killed a Chinese woman in a boat. The captain of the ship refused to surrender the man for trial ashore, but offered to let the authorities come aboard the ship and try him there. The Chinese thereupon invaded the ship in force, took the man ashore, tried, condemned, and executed him, and returned his body to the ship. During this incident all trade with Americans was suspended, but after the execution the viceroy issued an edict reopening trade, arguing in vindication of his course, and saying: "In every similar case foreigners ought to give up murderers, and thus they will act in a manner becoming the tenderness and gracious kindness with which the Celestial Empire treats them." No action was taken by the American government concerning this, but the incident was remembered and had weight when formal treaty relations were established between the two countries.

China was not, however, to be the first Asiatic country to enter into treaty relations with the United States. Various depredations upon American commerce in the Indian seas, culminating in the plundering of the ship *Friendship* and the murder of her crew by natives of Sumatra in 1831, moved the American government to send Edmund Roberts of New Hampshire as a special envoy to observe the conditions of commerce in that part of the world and to make such treaties or other arrangements as would conduce to its greater security. He went on this errand, in the United States ship *Peacock,* accompanied by a naval schooner, in 1832. Going by the way of the Cape of Good Hope he went first to Manila and Canton. On reaching the latter port, it was observed that his ship was not a merchantman, but "had on board an unusual number of seamen, cannon, and weapons." Whereupon, said the imperial commissioner in a decree, "she is not allowed, under any pretext, to anchor and create disturbances. Let her be driven away! The captain is not allowed to frame excuses, linger about, and create disturbances, and so involve offenses. Let the day of her departure be reported. Haste! Haste!" Roberts took no notice of this, however, but remained at Canton, or Macao, for six weeks. His ship, he said, could have destroyed the whole Chinese fleet.

From Canton he went to Anam and Cochin China, but would not submit to the humiliating formalities which were demanded as precedent to the making of a treaty, and so accomplished nothing there. There was, however, a fine touch of humor in his brief intercourse with the Anamese government. He was asked what titles of nobility he bore, and replied that he had none. He was then told that nobody could approach a minister of state who had not at least a number of titles equal to his. At this Roberts confessed that he had a few titles, which he would humbly submit, and to the bewildered scribe he enumerated them as follows: "Edmund Roberts, a special envoy from the United States, a citizen of Portsmouth, in the State of New Hampshire; of Rockingham, Coos, Strafford," etc., naming all the counties of the State; "of Nashua, Concord, Manchester," etc., naming all the cities; "of Merrimack, Ammonoosuc, Androscoggin," etc., naming all the rivers; "of Monadnock, Winnepesaukee, Chocorua," etc., enumerating all the lakes, mountains, and what not that he could recall; and he was about to proceed with various other catalogues when the officials declared that the list already far exceeded that of the most distinguished nobleman in the empire; if not of the emperor himself! So there was no further question of Roberts's rank and worth.

In the neighboring Kingdom of Siam he was received in a more hospitable and reasonable manner, characteristic of the amiable people of that land, and in the course of a few weeks was able to negotiate a treaty of amity and commerce. This was signed on March 20, 1883, and was the first treaty ever made by the United States with an Asiatic power. It was written in both English and Siamese, but as the Americans could not understand Siamese and the Siamese knew no English, there were appended Portuguese and Chinese translations. This treaty removed various difficulties from the way of trade, abolished some barbarous rules, and not only placed American commerce with Siam upon a friendly basis but established cordial relations between the two countries, which have ever since continued.

From Siam, Roberts went to various ports on the Malay Peninsula, but made no treaties, though presents were given to various potentates and civilities were exchanged. Thence he proceeded to Muscat, whose sultan ruled over a large and rich empire, extending from the Persian Gulf to Zanzibar, whose merchantmen conducted commerce with all countries between Manila and the Cape of Good Hope, and whose navy was by far the most formidable in all that part of the world. Here he was received in a manner gratefully contrasting with that which had prevailed in the lands of the Far East. There was none of the "abasing, crawling, and crouching, and 'knocking head,' like a parcel of slaves; but all was manly, and every one stood on his feet." The sultan was a man and he received his visitor as a man. Their intercourse was straightforward and practical, and soon produced results. A treaty was made with little difficulty and no needless delay. Trade was granted with no port charges or other burdens, save a tariff of five per cent. Roberts suggested an article providing that American seamen who were shipwrecked on the sultan's coasts should be cared for at the expense of their own government, but to this the sultan demurred. It was contrary, he said, to the principles of hospitality which prevailed in his empire. And so he inserted instead a provision that shipwrecked seamen should be succored, maintained, and returned to their homes at his expense, ''for,'' the treaty ran, as dictated by him, ''the sultan can never receive any remuneration whatever for rendering succor to the distressed.''

After the making of this highly satisfactory treaty the sultan wrote a personal letter to the President, which ran in part as follows: the effusive rhetoric being much more sincere than that of most oriental potentates in similar utterances:

''In the name of God, amen! To the most high and mighty Andrew Jackson, President of the United States of America, whose name shines with so much splendor throughout the world. I pray most sincerely that on the receipt of this letter it may find his Highness, the President of the United States, in high health, and that his happiness may be constantly on the increase. On a most fortunate day and at a happy hour, I had the honor to receive your Highness's letter, every word of which is clear and distinct as the sun at noonday and every letter shone forth as brilliantly as the stars in the heavens; your Highness's letter was received from your faithful and highly honorable representative and ambassador, Edmund Roberts, who made me supremely happy in explaining the object of his mission, and I have complied in every respect with the wishes of your honorable ambassador, in concluding a treaty of friendship and commerce between our respective countries, which shall be faithfully observed by myself and my successors, as long as the world endures.''

The treaties with Siam and Muscat were accepted by the President and ratified by the Senate, and Roberts was sent back again, on a naval vessel, to exchange ratifications. After performing that duty, he proceeded to Canton, where he was again ordered to leave at once, and where he again ignored the order. Unhappily, there was an outbreak of a virulent epidemic at Macao, to which he succumbed, dying on June 12, 1836. A monument was erected over his grave at Macao, and a memorial window was placed in St. John's Church, Portsmouth, New Hampshire, the city of his birth; in honor of the founder of American diplomatic relations with the countries of the Far East. It should be added that Roberts was also commissioned to visit Japan and to undertake the establishment of relations with that country, but was unable to do so before his illness and death.

While this accomplished envoy was conducting his dignified and effective negotiations, a grave controversy was brewing between Great Britain and China into which the United States was eventually drawn. In 1834 the British East India Company withdrew its agents from Canton, and the British government sent an envoy, Lord Napier, thither to negotiate a treaty for the regulation of trade. The Chinese authorities declined to receive him excepting on conditions which he justly regarded as intolerably humiliating. He was called a "barbarian" and the British generally were similarly insulted. Napier exercised all possible patience, but after some months of fruitless effort to open negotiations he replied with spirit to the insults of the Chinese governor, warning him that the King of England was a far more powerful monarch than the Chinese Emperor. He was ordered to leave Macao, but refused. Then all trade with the British was stopped. A British force was sent up to Macao to guard the British establishments there, and British warships came up the river and exchanged fire with the forts. Then a truce was arranged. Napier withdrew to await further instructions from home, and trade was resumed. But a few weeks later, worn out with labor, anxiety, and exposure to the elements, Napier died at Macao on September 11, 1834.

The American consul at Macao reported these things in detail to the Government at Washington, adding that a war between China and Great Britain was imminent, in which it might be well for the United States to intervene, either as an ally of Great Britain, since that country was manifestly in the right, or else with an independent display of force sufficient to make effective the demand that this country should be permitted to share in whatever advantages might be granted to or be secured by its Anglo-Saxon colleague. To the surprise of the American government, however, the British ministry declined to support the stand which Napier had taken, or to take any further action in the case, and the incident closed with the Chinese more confirmed than ever in their policy of exclusion and in their contemptuous regard of all foreigners as "barbarians." Instead of waging war at that time, when it had just cause for doing so, the British government waited a few years and then began hostilities on grounds which have generally been regarded as not only inadequate but positively disgraceful.

This was what is known as the Opium War, in the beginning of which America was somewhat interested. Two merchants at Macao, Innes, an Englishman, and Talbot, an American, were accused of smuggling opium into China and were ordered to be expelled. Innes was perhaps guilty; but Talbot was certainly innocent, as investigation proved. The British superintendent hesitated to expel Innes, and the Chinese organized violent mob demonstrations against both the British and American consulates. As a further mark of hostility the Chinese attempted to execute, directly in front of the American consulate, the death sentence upon a Chinaman who had been caught smuggling opium. This indignity was frustrated by a united sally of the foreign merchants, but a little later a death sentence was actually executed by the Chinese on the grounds of the American factory. At this insulting outrage all the foreign consuls hauled down their flags and closed their offices, and all trade was suspended.

Following this, the Chinese government demanded that the foreign merchants should at once surrender all the opium in their possession. They demurred, whereupon the foreign settlement was completely surrounded by an overwhelming force of Chinese soldiers, no communication with the outer world was permitted, the foreign merchants and their clerks were held as close prisoners, all their books and papers were seized, and about $8,000,000 worth of opium was confiscated. A small portion of this was in the possession of American merchants, though none of it actually belonged to them. After this trade was resumed, but all the British merchants left Canton. The Americans remained, though the American consul declared himself in full sympathy with the British. The British government at once began preparations for a war, which began in June, 1840, at which time all Americans left Canton. The Chinese were of course easily beaten by the British, and at the end of the war, two years later, were compelled to pay heavy indemnities; though strangely enough in the treaty of peace not a word was said about the real cause of the war, the opium traffic. After the war that traffic was openly renewed and maintained for seventy years.

We need not here enter into a discussion of the merits of the Opium War, concerning which innumerable volumes have been written. It should be kept clearly in mind, however, that while on its face it was a war to compel submission to the importation of opium into China, it had in fact a far deeper purpose, namely, to do the work which Napier had vainly undertaken, in compelling the Chinese government to treat other nations with decency and respect, as its equals, and to establish friendly relations with the world at large. As a mere opium war, it was thoroughly reprehensible; but as a conflict for international rights and for improved relations between China and the rest of the world, it was of great beneficence, to China itself as well as to other nations.

The United States did not take part in this war, but it maintained a naval squadron under Commodore Kearny in the adjacent waters, for purposes of observation and protection of American interests. There was much mob violence against Americans and their property, and there were some illegal arrests; for which Kearny exacted a heavy indemnity from the Governor of Canton. Still more important were the services which he performed at the end of the war. Learning that in the peace treaty new tariff and trade regulations were to be made between China and Great Britain, he resolutely demanded that American citizens should be included, to enjoy the same advantages; in brief, that the "most favored nation" principle should be established in their behalf. The Governor of Canton agreed that this should be done, testifying that American merchants in China had not been guilty of smuggling or other illicit practices but had confined themselves to honorable trade. On receiving this assurance Kearny would have taken his departure, but the American consul urged him to stay, as the presence of his vessels would have a salutary effect upon the Chinese commissioners who were coming thither to make the treaty. Kearny accordingly remained, and secured from the commissioners the formal and explicit assurance that whatever trade concessions were made to Great Britain should be fully and equally extended also to the United States. This was done, and as a result an "open door" was first secured in China, for all nations on equal terms; a result which, according to one of the British commissioners who negotiated that treaty, was due to Commodore Kearny's wise and resolute action.

Steps were promptly taken to clinch the matter by the negotiation of a commercial treaty with China. On December 30, 1842, a few months after the reëstablishment of peace between Great Britain and China, the President sent a special message to Congress recommending the appointment of an envoy to China, for that purpose. This message, which was drafted by Daniel Webster, secretary of state, was a convincing exposition of the importance of our Chinese commerce and the need of such a treaty. Congress promptly approved the plan and made an appropriation for its execution. Webster prevailed upon the President to nominate for the mission Edward Everett, who was then minister to England, in order, it was assumed, that he might himself retire from the state department and go to London in Everett's place. But Everett declined the appointment, preferring to remain in London, and so Caleb Cushing, a representative from Massachusetts, was sent to China; a better choice, on the whole, than the former, as Cushing, an astute lawyer and resolute man, was eminently fitted to deal with the subtleties of Chinese diplomacy. Webster's son, Fletcher Webster, was made secretary of the legation, and Dr. Peter Parker, a medical missionary, and the Rev. E. C. Bridgman, also a missionary at Canton, were made assistant secretaries, because of their knowledge of the Chinese language. A surgeon and five attachés also accompanied the legation, Webster holding that such numbers would add dignity and importance to the mission in the eyes of the Chinese. In further pursuance of the same idea, the mission was conveyed to China on a naval squadron of two frigates and a sloop of war.

At Macao, Cushing established himself in the palace of a former Portuguese governor, and assumed the air of the representative of a power fully the equal of China in importance. In his first official interviews he made it plain, as Webster had instructed him to do, that he was no suppliant for favors nor tribute-bearer, that he had come neither to give nor to receive presents, that he was the envoy of a great, rich, powerful, and peaceful nation, which sought no conquests and would brook no condescension, and that he sought the establishment of relations between equal powers which would be for their mutual advantage. The one handicap which he had to bear, fortunately not heavy, was the letter from the President to the emperor, of which he was the bearer, and which was pitifully trite and puerile. It is worth quoting as a curiosity in public documents:

"I, John Tyler, President of the United States of America—which States are (here follow the list)—send you this letter of peace and friendship, signed by my own hand.

"I hope your health is good. China is a great empire, extending over a great part of the earth. The Chinese are numerous. You have millions and millions of subjects. The twenty-six United States are as large as China, though our people are not so numerous. The rising sun looks upon the great mountains and rivers of China. When he sets, he looks upon rivers and mountains equally large in the United States. . . . Now my words are, that the governments of two such great countries should be at peace. It is proper, and according to the will of Heaven, that we should respect each other, and act wisely. I therefore send to you Count Caleb Cushing, one of the wise and learned men of this country. On his arrival in your country, he will inquire for your health. . . . Our Minister is authorized to make a treaty to regulate trade. Let it be just. Let there be no unfair advantage on either side. . . . And so may your health be good, and may peace reign."

Cushing reached Macao on February 24, 1844, and three days later wrote to the governor apprising him of his errand, and saying that he had of necessity stopped there for a few days before proceeding to Peking to deliver the President's letter to the emperor. The governor replied with the elaborate and flowery courtesy of a mandarin, but insisted that Cushing must not go to Peking until the emperor's wishes in the matter had been revealed to him. For a warship to go to the Pei-ho hastily or uninvited would be "to put an end to civility." If Cushing's errand was to negotiate a trade treaty, the emperor would doubtless send a commissioner to deal with him at the frontier. In any event, Cushing must wait at Macao until the emperor could be informed of his mission and could make known his imperial pleasure.

Cushing's reply must have been a shock to the slow-going

Chinese. He said that the Chinese government, and presumably the emperor, had been informed of his mission by the American consul months before; that if the emperor had wanted the negotiations to take place at the frontier, he should have sent his commissioner to Canton; that he (Cushing) had been directed by the President to deliver his letter to the emperor at Peking, and he proposed to do so; and that if it was contrary to etiquette for a warship to approach the capital, he would go thither from Canton by land. Further correspondence ensued, and Cushing concluded that it would be diplomatic to humor the Chinese love of ceremonious delay, so he waited at Macao for about two and a half months. Then word came from the emperor, to the effect that it would be quite irregular for an American envoy to come to Peking, or even to Tientsin, to negotiate, for the reason that America had never yet paid tribute to China, but that a commissioner with the imperial seal was being despatched post-haste to Canton, to meet Cushing and conduct the negotiations there.

Cushing decided to accept this as satisfactory, partly because of the recognition of America as a nation that had never paid tribute to China. If going to Peking was a mark of inferiority or of a tributary State, he had no desire to go thither. Also, the commissioner who was being sent was no other than Tsiyeng, who enjoyed the emperor's special confidence, and who was the same who had negotiated that treaty with Great Britain of which Cushing hoped to secure a duplicate for the United States. Early in June Tsiyeng arrived at Canton, and negotiations proceeded with reasonable expedition, with only a single hitch. This occurred when in two of Tsiyeng's letters the name of the Chinese government was so written as to indicate superior dignity to that of the United States. Cushing immediately returned the letters, with a courteous but resolute insistence upon the recognition of equality between the two nations. Tsiyeng promptly acquiesced and corrected the letters, and the negotiations proceeded so expeditiously that within two weeks the treaty was made and signed. Tsiyeng reached Macao on June 16, actual discussion of the treaty began on June 21, and the instrument was signed on July 3, in a temple in the suburbs of Macao. Cushing then gave up the design of going to Peking, and entrusted to Tsiyeng the President's letter for the emperor. It was a noteworthy circumstance that down to the time of signing the treaty the American envoy had not set foot on Chinese soil—Macao being Portuguese—and had not met a single high official of China save Tsiyeng and his attendants.

Cushing had been instructed and had expected to make a practical duplicate of the British treaty. In fact, he did much better than that. His treaty embodied every provision of the British treaty, and no fewer than sixteen others of real importance. This was a great triumph for the United States, but it was an equal benefit to Great Britain, since under the "most favored nation" principle that country would enjoy the same advantages as the United States. In referring to these circumstances in his letter transmitting the treaty to the secretary of state, Cushing pointed out that the United States and all other nations were much indebted to Great Britain for opening the door in China with her treaty; and that now similarly Great Britain and all other nations would be indebted to the United States for opening the same door a little wider for all the world. "Whatever progress either government makes in opening this vast empire to the influence of foreign commerce, is for the common good of each other and of all Christendom." Thus early was there promulgated that doctrine of "the open door and equality of opportunity," which John Hay so greatly magnified in later years; and the four men whose names should forever be associated with it were, in the order of time of their services, Commodore Kearny of the United States Navy; Sir Henry Pottinger, the British envoy, and Tsiyeng, the Chinese commissioner, who negotiated the Anglo-Chinese treaty; and Caleb Cushing, the American envoy. Unless, indeed, we were to name Lord Napier, first of all, as the martyred forerunner of these.

One of the noteworthy features of Cushing's treaty was the recognition of the principle of extraterritorial jurisdiction, or "exterritoriality," as it is commonly known in international law. This provided that in cases of crimes committed by Americans in China, the culprits were to be tried and punished according to American law and by American judicial authorities; that in civil suits between Americans in China the American consuls were to have jurisdiction; and that civil cases between Americans and Chinese were to be disposed of by the joint action of American and Chinese officials. This highly important provision was suggested, no doubt, by recollection of the *Terranova* incident in 1821, hitherto related in these pages. This principle had been in operation for centuries to a limited extent between European and some Mohammedan countries, and China had granted it in a measure to some foreign powers, but Cushing was the first to insist upon its general application as a world-wide rule between Christian and all non-Christian nations. ''The United States,'' he said, in explaining his introduction of the provision into the treaty, ''ought not to concede to any foreign State, under any circumstances, jurisdiction over the life and liberty of any citizen of the United States, unless that foreign State be of our own family of nations; in a word, a Christian State.'' This was not because of any inferiority of the other States in sovereignty, or in their right to their own codes of law. It was simply a practical recognition of the radical difference between them and the Christian States. ''Between them and us,'' he said, ''there is no community of ideas, no common law of nations, no interchange of good offices.'' Of course the treaty provision thus secured by Cushing for the United States was of equal value to all other nations. It is of interest to recall that the first practical application of the exterritoriality rule was made while the treaty was still under negotiation. A mob of Chinese attacked the foreign settlement at Macao, some Americans fired upon them, and one Chinaman was killed. The Chinese authorities demanded the surrender of the slayer, as in the *Terranova* case, but Cushing demurred in a vigorous letter to Tsiyeng. A jury of Americans was then empaneled by the consul, and the man was tried and acquitted on the ground of self-defense; a disposition of the case which the Chinese, on Cushing's urging, finally accepted.

The great value of Cushing's services to the world in these transactions was widely recognized, nowhere more than in Great Britain. In China alone was he not only underestimated but regarded with aversion and contempt. He himself esteemed Tsiyeng highly, and eulogized him in his correspondence with the Washington government. But of him Tsiyeng seems to have had a very poor opinion. Complimentary to the point of fulsomeness as the Chinese commissioner was to Cushing to his face, when he came to write of him to the emperor, in the memorial accompanying the treaty, he adopted a very different tone. "The original copy of the treaty," he wrote, "presented by the said barbarian envoy, contained forty-seven stipulations. Of these some were difficult of execution, others foolish demands; and the treaty was, moreover, so meanly and coarsely expressed, the words and sentences were so obscure, and there was such a variety of errors, that it was next to impossible to point them out. Your slave Tsiyeng, therefore, directed the treasurer Hwang and all the deputed mandarins to hold interviews with the Americans for days together. We clearly pointed out whatever was comprehensible to reason, in order to dispel their stupid ignorance, and to put a stop to delusive hopes; and we were obliged to polish those passages which were scarcely intelligible. . . . Some points have been discussed more than a thousand times at least, others five or six times. It was then that the said barbarian envoy submitted to reason, and being at a loss what to say, was willing and agreed to have the objectionable clauses expunged." As a matter of fact, it was Tsiyeng himself who was ignorant of international law, and to whom the first draft of the treaty was therefore scarcely intelligible.

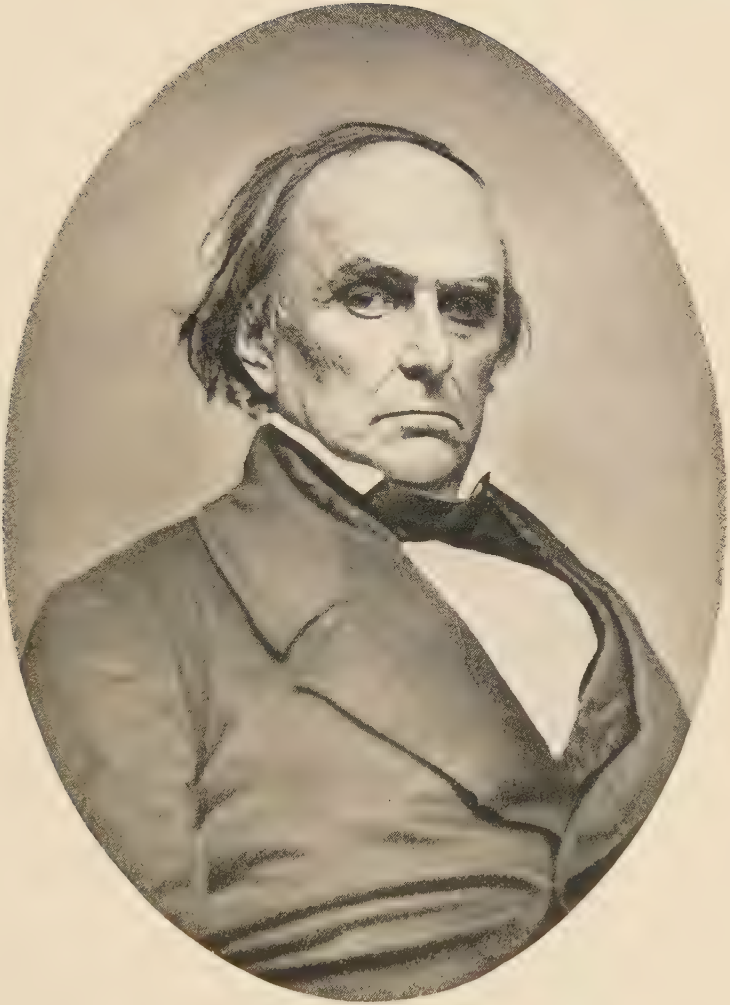
Cushing was criticized for not persisting in going on to Peking, but on the whole his course in not doing so seems to have been commendable. He was sent to China primarily and essentially to negotiate the treaty, and that he did in a highly satisfactory manner. He doubtless did it more quickly and to greater advantage at Canton, or Macao, than would have been possible at Peking, or Tientsin, especially in view of the suspicion and resentment which his going thither would have caused. It is a diplomat's duty to do business in the easiest and most acceptable way, provided it be rightly done, and that was what he did in consenting to negotiate at Macao instead of at the capital. Moreover, to go on to Peking after making the treaty would have been regarded as sharp practice and would have strained the very relations which he had just established. A French embassy arrived at Macao soon after he had concluded the treaty, and negotiated a convention on similar lines. The

French envoy is said to have proposed to Cushing that they should join forces and insist upon going up to Peking together, but Cushing declined. He remained at Macao for a time, doing several things for the good of the American settlement there, and then returned home. He was succeeded as minister or commissioner to China in 1846 by Alexander H. Everett, who died at Canton the next year and who was in turn succeeded by John W. Davis.

Further controversies with China arose a few years later. In 1840–50 the American minister, Davis, was engaged in establishing and organizing the consular system of exterritorial jurisdiction. In 1852, Humphrey Marshall of Kentucky became minister, and attempted to secure an interview with Mr. Yeh, who had been designated by the emperor as a commissioner to treat with all foreign ministers at Canton. Yeh sent word to Marshall that he was too busy to see him at the time requested, but would at some future time give himself that pleasure. Marshall sharply replied that such delay was unsatisfactory, and that he purposed to go to Shanghai and secure, if possible, transmission of the President's letter to the emperor through the viceroy of that province. Failing this, he would take a warship and go to Tientsin. He did go to Shanghai and was courteously received, but was told that while the President's letter would be forwarded promptly, the viceroy had no authority to do business with him. The letter was forwarded, and an answer was returned; in the somewhat discourteous form, however, of a letter to the viceroy, instructing him to tell the American minister to go back to Macao and deal with Yeh. This made Marshall the more eager to go to Tientsin. But Commodore Perry, who was then in command, could not or would not spare him a ship for the purpose, regarding his plans, in fact, as visionary; and Marshall had to content himself with sarcastic railings at Perry and the expedition to Japan which he was about to undertake. After some months at Shanghai, Marshall returned to Macao and again sought an interview with Yeh, but in vain; and in 1853 he returned to America without even having seen that elusive commissioner.

The next American minister to China was Robert M. McLane, in 1853, an accomplished and expert diplomat. He had with Yeh practically the same experience that Marshall had suffered; and he, too, went to Shanghai, but found the viceroy unwilling to transmit the letter to the emperor. Then he went to Hongkong and conferred with the British governor of that place, and also with the French minister. They were agreed that there was no use in submitting to Yeh's trifling any longer, but that pressure must be brought to bear upon the Chinese government for redress of grievances; wherefore if Yeh or some other official would not promptly give them satisfaction at Canton or Shanghai, they would go on with force to Tientsin. They waited for some weeks at Shanghai, and then proceeded to the Pei-ho, arriving there on October 15. There they had to wait weeks longer before an envoy from the emperor came to treat with them, and when he did so his conduct was grossly insulting. He met them in a shabby tent, pitched upon the muddy bank of the river, and told them that he had no power to transact business with them, but merely to hear what they had to say and report to the emperor.

The demand of the envoys was for a revision of their treaties with China according to the clause in the American-Chinese treaty of 1844, which bound the two governments at the expiration of twelve years to treat amicably for revision in view of the need of modifications which by that time might be apparent. The Chinese commissioner, while disclaiming authority to negotiate, told McLane that the modifications which seemed to be needed were not sufficient to warrant revision; and he told Bowring, the British envoy, that Great Britain had no title to claim revision merely because of the clause in the American treaty. The conference thus ended in failure and the envoys returned to Shanghai. McLane reported the whole matter to the President, and recommended that the next attempt at negotiation be backed up with a strong naval force, precisely as that of Perry had been in Japan. At the end of 1854 McLane returned to America and resigned his mission, leaving Dr. Parker in charge. The latter had much difficulty in protecting American commerce during the Tai-Ping rebellion which was then raging, and also in enforcing the neutrality laws. He was highly efficient, however, and in 1855 was appointed full commissioner to China in McLane's place.



DANIEL WEBSTER

It should be remarked in passing that America was peculiarly interested, in a personal sense, in the Tai-Ping rebellion. That gigantic conflict was started by a young Chinaman who had studied under an American missionary, the Rev. J. J. Roberts. He professed conversion to Christianity, but was not accepted by the mission church; whereupon he proclaimed himself to be a younger brother of Jesus Christ, who had been sent into the world to overthrow the Manchu dynasty because of its idolatry. He professed to have divine revelations, and organized a vast but fantastic social and religious system, the practices of which were a gross and vicious travesty upon Christianity. For a time he and his followers were victorious, and seemed likely to overthrow the dynasty and conquer all China. When they had captured Nankin and made it their capital they invited Roberts to go thither as a counselor to their court. The missionary went merely, however, as a private visitor, and was disgusted with all that he saw, and returned, testifying that no trace of real Christianity was perceptible in the whole movement. In the summer of 1853 McLane was called upon to consider the possibility of having to recognize the insurgent court as the *de facto* government of China. Accordingly he visited Nankin, for investigation; but he, too, was disgusted with the arrogance and vice of the rebels, and declined to give them any political recognition. The tide of war was finally turned against the Tai-Pings by an American, Frederick T. Ward, who organized a Chinese army, with American and European officers, in support of the Peking government. He won many victories, but was eventually killed in battle. His ''ever victorious army'' was then placed under command of the illustrious Englishman, Charles Gordon, and succeeded in suppressing the rebellion.

At the beginning of 1856 Dr. Parker renewed efforts to transmit a letter from the President to the emperor and to negotiate for treaty revision, but found Yeh as evasive as before. He warned that worthy that such conduct would not much longer be tolerated by the United States, and then set out for the Pei-ho, as McLane had done before him. But at Shanghai he was moved to turn back, for lack of a naval force, because of the lateness of the season, and because of promises that the viceroy would transmit the letter. The letter was entrusted to the viceroy, who presently returned it, with the seals broken, and with the statement that the emperor would receive through nobody but Yeh, whom he had designated for that purpose. Simultaneously with this incident, Great Britain began war upon China on account of the looting of the lorcha or schooner *Arrow,* and Parker was inclined to recommend that the United States join in it as an ally of Great Britain. This was not done, but an incident near Canton came perilously near to provoking war. Two American boats, belonging to naval vessels, were fired upon by Chinese forts, and one man was killed. Thereupon an American warship attacked and silenced the forts. The next day a note was sent to Yeh, demanding an explanation and apology. Instead of sending these, Yeh hurried the work of rebuilding the forts. At this the Americans made another attack, landed, and demolished the forts, with a loss of seven killed and twenty-two wounded. The Chinese losses were several hundred. Then Yeh explained that the American flag had been mistaken for the British, and that while China and Great Britain were at war all other nationalities ought to keep away, and then no such mistakes would occur. The Washington government expressed some doubts of the propriety of the vigorous reprisals against the forts, and urged Parker and the naval authorities to refrain from any acts which would look like joining in England's quarrel, or would impair friendly relations with China. This was contrary to Parker's policy, he favoring a vigorous assertion of American rights and aggressive coöperation with Great Britain and France in bringing China to terms. It was with some relief, therefore, that in August, 1857, he retired from the office which he had filled with singular fidelity and efficiency but in the conduct of which he was no longer in accord with his own government.

William B. Reed, who succeeded him, was the first envoy to China who bore the official title of Minister Plenipotentiary. He was at first committed to the Government's passive policy, but after a little experience with Yeh and other Chinese officials he took precisely the same view that Parker had taken. He reported that nothing but an actual advance upon Peking with a decisive force would bring the Chinese government to a fulfilment of its treaty obligations. ''Steadfast neutrality and consistent friendship,'' he said, ''make no impression on the isolated obduracy of this empire.'' He united with the British and French representatives in identical notes to the Peking government, and reported to Washington that if a satisfactory reply was not received the powers would proceed in force to the Pei-ho, and he asked for authority to join in a campaign of coercion. He was told in reply that the time for such action had not yet come. Accordingly, when an altogether unsatisfactory reply was received to the note to the Peking government, he was compelled to remain a passive spectator of events, while the British and French stormed the Taku forts and went to Tientsin. Thither he followed, and found the Chinese authorities more amenable to reason; and in a short time a treaty was negotiated. In this work Reed was assisted by Dr. W. A. P. Martin, a Presbyterian missionary who afterward rose to great eminence in Chinese educational affairs.

Four treaties were made at that time; first with Russia, second with America, third with Great Britain, and fourth with France. They were in general much alike, and each of them contained the "most favored nation" proviso, so that the stipulations in each became available for all the powers. The chief improvements over the former treaties were in brief that there should be direct access by foreign ministers to the Chinese government, that ministers might reside at Peking, that privileges of travel, trade, and ownership of property should be enlarged, and that the Christian religion should be tolerated and its native converts should be protected. After making these treaties the envoys went to Shanghai and there made supplementary conventions for regulating trade and revising the tariff. Reed was also successful in securing an indemnity of $753,288 in payment of long-standing claims of American citizens against China because of losses during the British hostilities. The United States permitted all these claims to be examined and adjudicated in China, and some years afterward returned to China the balance of $453,400 which had been left after the satisfaction of all claims that were justly established.

Reed was succeeded in 1859 by John E. Ward, who started for Peking to exchange ratifications of Reed's treaty. The

Chinese asked him to come thither in company with the British and French envoys who were on similar errands. When they reached the Pei-ho they found the entrance barred, and orders issued against their ascending the river. The commander of the British squadron purposed to fight his way through to Peking. Ward desired to avoid hostilities, and therefore crossed the bar in a small Chinese steamer, which ran aground. The British commander sent a tug to pull her afloat again, but in vain. Ward succeeded in communicating with the Chinese authorities, however, and was informed that no one would be allowed to pass up the river, but that ratifications would be exchanged at another point, some ten miles away. This was made known to the British, with the result of quickening their determination to force the passage; the more so because it was known that the Russian minister had already reached Peking and exchanged ratifications, and had taken up his residence there; and it was suspected that in order to establish Russian ascendancy over the Chinese government he was secretly encouraging the exclusion of all others.

Accordingly the next day the British and French ships made a general attack upon the forts, in which they were repulsed with heavy losses. Ward and the American commodore, Tatnall, remained passive spectators of the conflict for a time. Then, learning that the British admiral, Hope, was wounded and his vessel was disabled, and remembering the service which he had rendered the Americans the day before, the gallant Tatnall exclaimed, "I can't stand this! Blood is thicker than water!" and set out with a boatload of his men to Hope's relief. On the way the coxswain at Tatnall's side was shot and killed, but the rest of the company reached Hope's vessel, and while Tatnall tendered his sympathy to the wounded admiral, his men assisted the British crew in working the guns. Tatnall also used his steamer to tow into action some British boats which could not make their own way against the tide, and also to receive the wounded from the British ships. This conduct won him much praise and fame, in both the United States and Great Britain, but it was resented by the Chinese, and made Ward's dealings with them more difficult.

After their repulse the British and French withdrew to

Shanghai and desired Ward to do the same. He, however, declined, on the ground that while he had gone to the Pei-ho in company with them, he had done so on the request of the Chinese, as a matter of convenience, and was in no way bound to them as an ally. He therefore determined to pursue his way independently and if possible to proceed to Peking and exchange ratifications. He went to the designated place for the meeting with the governor-general and was received in a most courteous and respectful manner, and was escorted by him to Peking. There he and his suite of thirty persons were made the guests of the emperor and were entertained with imperial munificence. The treaty commissioners, with whom he had negotiated at Shanghai, told him that he must be personally presented to the emperor, and for two weeks discussions continued as to the manner of presentation. The commissioners insisted that he must prostrate himself before the emperor, but this Ward indignantly refused to do, as Perry had refused to grovel before the Japanese throne. Then they offered to compromise on his kneeling, on both knees. This he also refused. Finally they asked if he would touch one knee to the floor, as the British envoy, Lord Elgin, had consented to do. This also Ward refused, saying that he knelt only to God and to woman, and the emperor was neither. ''The emperor is the same as God,'' said the Chinese. ''Not to me,'' persisted Ward; and his ultimatum was that he would salute the emperor just as foreign diplomats saluted the President of the United States, and not otherwise. To this the Chinese would not assent, and the audience was accordingly abandoned.

Ward then demanded exchange of ratifications, since the British treaty provided that this should be done at Peking and under the ''most favored nation'' clause the United States was entitled to the same privilege. The Chinese shrewdly replied that the British treaty was not yet in force, since its ratifications had not been exchanged, and the American treaty did not say where the exchange was to take place. Ward was thus constrained to yield and to accept the exchange at the place designated by the Chinese at the mouth of the Pei-ho. Before going thither, however, he delivered to the emperor's prime minister the President's letter to the emperor. During his stay in Peking he was virtually kept a prisoner within his house, not being permitted to communicate even with the Russian minister. He then returned to the mouth of the Pei-ho, where ratifications were exchanged. It was explained to him that the authorities at Peking had insisted upon his prostrating himself before the emperor as an act of atonement for Tatnall's conduct in aiding the British. Now, however, as an act of special favor to him, the emperor would surrender to him an American who had been taken prisoner in the attack upon the forts. The prisoner proved to be a Canadian, in the British service, who had pretended to the Chinese that he was an American in order to secure better treatment. Ward was criticized and ridiculed by many for his course in retiring from Peking, but he was sustained and approved by his own Government, and the verdict of history is that he acted on the whole with dignity and discretion and made the best of a difficult situation.

XVIII

THE OPENING OF JAPAN

AMERICAN intercourse with Japan dates from 1797, in which year the merchant ship *Eliza,* commanded by Captain Stewart, visited the harbor of Nagasaki. The Dutch East India Company had then for some time had relations with Japan, and possessed a factory on one of the islands in that harbor, to which a Dutch ship was permitted to make not more than one visit a year. But Holland was at that time under Napoleon's domination and was therefore at war with Great Britain, and it was perilous for Dutch ships to undertake the voyage to Japan. This American vessel was therefore chartered by the company to make the visit of that year. Thus it was through European complications that the United States was first brought into contact with Japan. The Japanese at that time maintained their empire in singular seclusion, and were ignorant of the rise of the United States as a new power; and they were in consequence much surprised at the appearance of a ship in the employ of the Dutch but under a strange flag, with a crew that spoke English but which gave no allegiance to the British crown. They permitted the vessel to fulfil her errand, however, and gave similar treatment to the other American vessels which came thither yearly on like errands during the continuance of the Napoleonic wars. In this way Japan became aware of the existence of the United States, and in return some knowledge of that isolated empire was imparted to the American commercial world.

It was just forty years after that first visit, in 1837, however, that the first serious attempt was made to establish relations with Japan. In former ages the Japanese had been a great seafaring people, the veritable Vikings of the North Pacific; but under one of their Shoguns, Iyemitsu, in 1636, all ocean-going vessels were destroyed and the building of more was prohibited, so that the Japanese were thereafter restricted to the use of small coasting vessels. These small craft were occasionally carried by the strong ocean currents and violent storms to remote regions, even to the coasts of North America. Thus seven shipwrecked Japanese were picked up on the Oregon coast by agents of the Hudson Bay Company. As there was no means of sending them directly home across the Pacific they were taken overland to Canada, thence to England, and thence by the way of the Cape of Good Hope to Macao, from which latter place they could be sent up the Chinese coast to Japan. Their arrival at Macao attracted the attention of D. W. C. Olyphant of New York, the founder of one of the chief American trading houses at Macao, and an earnest, enlightened, and generous promoter of missionary efforts in China. He accordingly fitted out a vessel to carry these Japanese sailors to their home, with the hope that thus a way would be opened for the establishment of commercial and other relations with Japan, and the entrance of missionaries into that country. The vessel was named the *Morrison,* after Robert Morrison, the first English Protestant missionary in China, who had gone thither under Olyphant's patronage. Among the ship's company were Mr. King, a member of Olyphant's firm, and his wife; Dr. Peter Parker, the American medical missionary; the Rev. W. S. Williams of the American Board of Missions; and Dr. Gutzlaff, the German missionary and historian of China. In order to allay suspicion and animosity, the vessel carried, or at least displayed, no arms, but was stocked with commercial goods. It was hoped that a landing would be permitted and that the Japanese would accept the contents of the vessel as presents, and would listen to explanations of the greatness and the friendly disposition and desires of the United States. Instead of going to Nagasaki, however, the only port open to foreigners, the vessel went straight to Yeddo or Tokio, the capital, where she was fired upon from the forts and compelled to beat a hasty retreat, pursued by a flotilla of armed boats. Similar repulses were encountered at other places along the coast, the last being at Kagoshima, the capital of the great Satsuma clan. The vessel was then compelled to return to Macao, without having effected a moment's landing or having in any way communicated with the Japanese.

The failure of this enterprise discouraged further attempts in that direction until 1845. In that year Captain Cooper, of Sag Harbor, New York, with his ship *Manhattan,* found eleven shipwrecked Japanese on a barren island in the Pacific, and rescued eleven more from a foundering junk. With these he sailed to Yeddo, purposing there to return them to their homes and "to impress the Japanese government with the civilization of the United States and its friendly disposition toward the emperor and the Japanese people." Before reaching Yeddo he sent messengers forward to inform the Government of his approach and his purpose, and in consequence he was permitted to enter the Bay of Yeddo and to anchor near that city. His vessel was, however, surrounded by a cordon of Japanese boats and a guard of military officers was put aboard; and he was warned that none of his company must go ashore, under pain of death. He was permitted to remain there a few days and to secure fresh supplies of food and water, "because the emperor felt assured that he could not be a bad-hearted foreigner by his having come so far out of his way to bring poor people to their native country, who were wholly strangers to him." But he was requested not to do it again, but to land at some Dutch port any other Japanese castaways whom he might pick up. The emperor, he was told, would rather have such castaways abandoned and lost than to have strangers enter Japan.

Following this incident, in the fall of 1845, a resolution was introduced into Congress by Zadok Pratt, a representative from New York, recommending the taking of steps for making commercial treaties with Japan and Corea. In consequence Commodore Biddle, commanding the American squadron in the East, was directed to ascertain what ports of Japan were accessible to foreigners, and to assist Mr. Everett, the American minister to China, who was also accredited to Japan, in going thither, if he should be inclined to make the attempt. It was added that if Everett shrank from the mission, Commodore Biddle might himself undertake it if he wished. Everett did shrink from it, and transferred his credentials to Biddle, who undertook the task. He reached Yeddo with his two ships on July 20, 1846, and was received much as Captain Cooper had been before him. He told the authorities—at their request, in writing—that he had come to find if Japan had opened her ports to commerce and was willing to make a treaty with the United States. A few days later the reply came, nominally from the mikado, but in fact from the shogun, to the effect that Nagasaki was the only port open to foreigners, that no treaty would be made with the United States, and that Biddle and his ships must leave Yeddo at once and never return to Japan. Either by intention or accident a Japanese soldier jostled heavily against Biddle at the moment of the delivery of this letter to him; an act, according to Japanese etiquette, of unspeakable indignity. An apology was made by the Japanese officers, and it was promised that the offender should be punished, but it does not appear that the promise was fulfilled. On the contrary, the incident inspired the Japanese with a certain contempt for Americans, as people who might be insulted with impunity.

Biddle then left Japan and returned to Macao. The report of his doings was made to the state department by Everett, who took an unfavorable view of the whole affair. He said that Biddle had shown lack of discretion, and had left matters in a worse condition than that in which he found them. The reply of the mikado to Biddle's request he considered to be intentionally insulting, as it was without address, date, or signature. It should be added that Biddle had been expressly forbidden, in his instructions, to exercise or to display any military force in his intercourse with the Japanese.

The next year news came that the crews of two wrecked American vessels were being harshly treated as prisoners in Japan, in striking contrast to the way in which shipwrecked Japanese had been treated by Americans. Accordingly the American naval commander in the East sent Commander Glynn, with the ship *Preble,* to Nagasaki, in 1849, to demand redress. Glynn defied the rules requiring foreign vessels to stop near the entrance of the bay, and boldly sailed into the inner harbor and demanded communication with the governor. The result was that after some parley the Americans were delivered to him, and he sailed away in triumph.

The sailors who were thus rescued reported that they had been treated with monstrous insults and cruelties, in consequence of which some of their comrades had died. Whether this was by order of the Japanese government, or was a mere excess of zeal of some of its subordinate agents, was not clear, though the latter was the more probable. In any case, the experience of these men roused much indignation, and contributed to the resolution of the United States to force a reckoning with Japan. Another consideration was, the frequenting of that part of the Pacific by American whalers. These went thither by hundreds, cruising within sight of the Japanese coast, and it was felt to be a hardship that they could not enter Japanese harbors for supplies or for refuge in case of distress. A third was that, with the acquisition of California, the discovery of gold, and the rapid growth of that State, a steamship line across the Pacific to China was projected, and a stopping place in Japan was deemed necessary. Accordingly, President Fillmore gave close attention to the report and recommendations of Commodore Glynn, suggesting an armed expedition to Japan, which would compel a respectful hearing. Webster was now secretary of state for a second time, and he also took a deep interest in the matter. As a result of numerous cabinet councils, the expedition was finally decided upon, and Commodore Aulick was appointed to the command of the East India naval station in order to undertake the momentous mission. On June 10, 1851, the President wrote a letter to the mikado, which Aulick was to deliver, and Webster wrote a letter of instructions, giving Aulick full power to negotiate a treaty. Thus equipped, Aulick set out for Japan, only to find, on reaching Macao, a letter from the secretary of the navy recalling him from the command.

Commodore Matthew Calbraith Perry had been selected to replace him, and the choice must be accounted a felicitous one. He was the son of an officer in the revolutionary navy, the brother of the hero of the battle of Lake Erie, and himself a naval officer of approved discretion and resolution; realizing John Paul Jones's theory, that a naval commander should be also a statesman and diplomat. Perry was granted ample time in which to make his preparations and full power to select his own subordinates for probably the most momentous expedition ever undertaken by the American navy. Many thousands of dollars' worth of books on Japan, charts, and what not were secured in America and Europe, and interviews were had with all sea captains who had visited Japanese waters. Elaborate instructions were prepared by the state department, authorizing him to secure protection and succor for shipwrecked American sailors, the opening of Japanese ports to vessels in need of supplies, and the opening of ports, also, for commerce. These instructions were drafted chiefly by Webster, but he died before they were completed. The letter from the President to the mikado was prepared and countersigned by Edward Everett, who had become Webster's successor in office. The instructions were widely published in America and Europe, and the two continents watched with intense interest the preparation and departure of an expedition which would, if it succeeded, be of epoch-making importance to the whole world. Perry fully appreciated the honor and the responsibility which were conferred upon him, and comported himself appropriately. The President and cabinet bade him good speed, and on November 24, 1852, he left the Capes of Virginia on his momentous voyage.

Seeing that the Dutch had an establishment at Deshima, just off Nagasaki, our government requested their good offices for facilitating Perry's reception in Japan. The Dutch government promptly acceded to the request, and sent instructions to that effect to the officers of the Dutch East India Company; but these apparently did not reach Deshima until after Perry had fulfilled his mission. It has been stated, also, that on learning of the first preparations for Perry's mission the Dutch themselves attempted to forestall him by making a treaty with Japan. If so, they suffered complete failure.

Perry went first to Macao, where he took into his company Dr. S. W. Williams, who was to serve as chief interpreter for the mission. There, too, he was joined by several vessels of the American East India squadron, so that he approached Japan with by far the most impressive and formidable fleet that had ever been seen in the waters of that empire. His flagship was the *Susquehanna,* a fine new steam frigate, the first steamship that had visited Japan. In such state the expedition, on the morning of July 8, 1853, entered the spacious bay of Yeddo. With all sails furled, and under steam power alone, the ships kept their way unchecked amid the swarming boats and junks of the Japanese, disregarding all signals and commands to stop, until they were just off Uraga, where, late in the afternoon, they stopped and cast anchor. The appearance of these strange vessels, belching forth clouds of smoke and moving swiftly without sails or oars against both wind and tide, created indescribable consternation among the Japanese, to whom they seemed a fulfilment of an old legend about the ''black ships'' which should come from afar to wreak evil upon Japan. Even the high officials regarded them with wonder and apprehension. When the vessels anchored, one of the neighboring Japanese forts fired two signal guns and sent up a rocket, as an announcement of the arrival of the portentous invaders whose coming had been announced by the Dutch at Deshima. The effect was electric throughout the whole capital city of Yeddo. ''The popular commotion,'' said a native writer, ''at the news of a 'foreign invasion' was beyond description. The whole city was in an uproar. In all directions were seen mothers flying with children in their arms, and men with mothers on their backs. Rumors of an immediate action, exaggerated each time they were communicated from mouth to mouth, added horror to the horror-stricken. The tramp of warhorses, the clatter of armed warriors, the noise of carts, the parade of firemen, the incessant tolling of bells, the shrieks of women, the cries of children, dinning all the streets of a city of more than a million souls, made confusion worse confounded.''

Perry at once adopted toward the Japanese an attitude of what proved to be extraordinary diplomatic efficiency. The keynote of it was the unquestionable equality of the United States with Japan, and therefore the equality of the President with the emperor. This invested his own mission, and indeed himself, with great dignity. Moreover, he was there not to ask favors but to demand rights and, if need be, to take them by force. Thus when his vessels, on anchoring, were at once surrounded by a multitude of boats of all kinds, nobody was permitted to come aboard until at last there came a large boat evidently bearing an important functionary. Learning that this was the Vice-Governor of Uraga, Perry permitted him to come aboard the flagship, but not to approach himself or his quarters, where he maintained himself in almost imperial state and seclusion. One of Perry's aides was commissioned to receive the vice-governor, and to tell him that Perry himself could be approached by nobody save some prince of the highest rank who stood next to the emperor; that the mission was friendly, bearing a letter from the President to the emperor; and that Perry expected to meet one of the highest dignitaries of the empire to whom he could entrust the letter for delivery. The vice-governor then said that all such business was to be transacted only at Nagasaki, and that the fleet must at once leave the sacred waters of the Bay of Yeddo and go thither. To this the reply was a flat refusal. Perry would not go to Nagasaki, but would remain at Uraga. Moreover, he would expect himself and his vessels to be treated with respect, and if the Japanese guard boats which were forming a cordon about the fleet were not removed, he would drive them away by force. At this the vice-governor departed, and the guard boats went away with him.

Next day the Governor of Uraga came, asking to see Perry, but again Perry declined to meet so inferior a functionary, and sent one of his subordinates to deal with him. A colloquy similar to that of the day before ensued, with this addition, that the governor was warned that if a sufficiently exalted dignitary were not soon sent to receive the President's letter, Perry himself would go ashore to deliver it, accompanied by an irresistible force. The governor then withdrew, promising to come again in a few days with an answer from the imperial court. Perry then set about to improve the time of waiting by sending out boats to make soundings and to survey the harbor. The governor sent word that this was contrary to Japanese law and must be stopped. Perry sent reply that it was according to American law and would not be stopped; whereon there was no further interference nor protest.

July 10 was Sunday, religious services were held on the ships, and no communication was held with the Japanese. The next day one of the ships, conveying a surveying party, moved some distance up the bay toward the capital. At this the governor came aboard to expostulate, but was told that the ship was seeking anchorage nearer the imperial court, for the much larger fleet which would presently come thither if the President's letter were not promptly and properly received. This brought the governor to terms and on the following day he reported that a suitable officer would be designated to receive the letter as soon as an appropriate place could be prepared on shore for the ceremony; but, while the letter would be received there, the answer would be sent to Nagasaki, whither Perry must go to get it through one of the Dutch or Chinese superintendents. To this Perry returned in writing the curt and peremptory reply that he would not go to Nagasaki; that he would receive no communications through Dutch and Chinese agencies; that he would deliver the President's letter to the emperor himself or to his foreign secretary, and to nobody else; that he would expect a reply of some sort in a few days, to be given to him there, at Uraga; and finally that if the President's friendly letter to the emperor were not received in a proper manner, he would consider that the United States had been insulted and would not answer for the consequences.

That was enough. In a few hours the governor reported that a very exalted personage, accredited by the emperor, would receive Perry ashore the next day but one. This promise was fulfilled, and on the morning of July 14 the ceremony occurred. The American ships moved close to the meeting-place which had been prepared. The governor with a brilliant retinue came to the flagship to escort Perry ashore. A salute was fired from all the ships, and Perry, who now for the first time was so much as seen by any Japanese, entered a decorated barge and went ashore, accompanied by about three hundred officers and men and two bands of music, two stalwart Negroes as a bodyguard, and two boys bearing the golden caskets in which reposed the President's letter and Perry's own credentials. Thousands of Japanese troops were stationed about the reception hall as a guard of honor. In the hall two of the most illustrious princes of the empire awaited Perry and received him with respectful obeisance. The boys brought forward the golden caskets, which were opened by the Negro guards; the letter and credentials, richly engrossed on vellum and bearing seals and chains of gold, were taken out, displayed to the princes, and laid upon the lid of the box which the latter had brought for their reception; and the governor, reverently kneeling, placed them within the box. An interpreter from the fleet then explained to a Japanese interpreter the purport of the documents. The governor knelt before the princes and received from them a scroll, which he transferred to Perry, kneeling before him as he did so. This was a receipt for the documents, and a statement that nothing further could be done there, but that the fleet must at once go to Nagasaki, where it would in due time receive an answer. When this was interpreted to Perry he replied that he would indeed go away in a few days to give the Japanese government time to consider the important business in hand; but he would not go to Nagasaki, but would return to Uraga the next spring, and would then and there expect to receive the emperor's answer. The governor asked if he would come back with all these vessels. Perry replied that he would, and probably with many more, as these were only a few of his fleet.

This closed the interview, and the Americans returned to their ships with all possible dignity and state, feeling well satisfied with what had been done. The wall of Japanese reserve had been broken down. Perry had been received as no other foreigner had been for centuries. The full equality of the United States had been recognized, and direct intercourse with the emperor's personal representatives had been secured. Moreover, no cause of offense had been given to Japan. There had been no violence, no disorder of any kind, and no wrong committed to any Japanese. That afternoon the squadron weighed anchor, but instead of departing steamed some miles up the bay toward Yeddo, made surveys, and took soundings. Perry wrote a letter to the emperor, telling him that he would return the next spring. And then, on July 17, the fleet departed from Yeddo and from Japan, to leave the imperial government free, without appearance of coercion, to consider the momentous matters which had been laid before it.

Perry went back to Chinese waters, to look after American interests during the Tai-ping rebellion which was then raging. The Japanese government promptly and earnestly addressed itself to the consideration of the President's letter and the terms of the proposed treaty. At the same time all possible preparations for war were made, the millitary leaders advising that the American proposals be rejected. The anxiety and concern of the government and nation were much increased by the arrival of a Russian squadron at Nagasaki that fall, with demands for a treaty; after presenting which it withdrew to Shanghai to await a reply. Learning of the Russian operations, and also of the sailing of a French squadron from Macao for an unknown destination, which he feared might be Japan, Perry prudently decided to cut short his stay in Chinese waters and to return to Yeddo somewhat sooner than he had at first intended. On his way, at midwinter, he called at the Loo-Choo Islands, and there received word that the Emperor of Japan had died, and that the Japanese government requested that both his return and all further negotiations might be postponed until after the expiration of the period of mourning. He sent a reply to the effect that while he profoundly regretted his Majesty's demise, he was sure that the Japanese government would not on that account delay the establishment of a friendly understanding with the United States.

He therefore continued his voyage, and on February 12, 1854, entered the Bay of Yeddo with ten vessels, or more than twice as many as on his former visit. This time, as before, he ignored the Japanese boats which clustered around him, and steamed on, not merely to Uraga but to a point twelve miles beyond. There he pursued his former policy, delegating subordinates to meet the officials who called upon him, and reserving himself for intercourse with some personal representative of the emperor. When it was announced to him that the emperor had designated a place in the outer bay for the conference, and wished him to remove his fleet thither, he flatly refused, and declared that if the Japanese would not treat with him on the shore opposite his present anchorage, he would take his fleet right on to Yeddo. At this the Japanese yielded, and the negotiations were conducted at the point selected by Perry.

The conferences finally began on March 8, at the site of the present city of Yokohama. The Japanese made no such military display as before, but their commission was composed of five princes of the highest rank. Perry, on the other hand, was accompanied by the same imposing retinue as before, and maintained the same dignity and reserve. The reply of the emperor to the President's letter was presented and was found to be largely favorable. A few days later Perry delivered with much ceremony the numerous and costly presents which had been brought for the emperor and other officials, and later still the Japanese gave equally rich gifts in return, for everybody from the President down to the humblest person who had taken part in the conference. The American gifts included a fully equipped miniature railroad, a telegraph line, and a steamboat, all of which were put into practical operation, to the great astonishment and edification of the Japanese, who were thus for the first time inspired to seek the adoption of the arts of Western civilization.

Meantime the negotiations for a treaty proceeded amicably and expeditiously, and on March 31, 1854, that epoch-making instrument was completed and signed. It provided for the protection of shipwrecked sailors; for the opening of two more ports in addition to Nagasaki for foreign commerce, for the residence of a consul at Shimoda, which was the open port nearest to the capital; and for the enjoyment by America of all privileges which might in subsequent treaties be granted to other nations. This was about all that Perry had hoped to secure, excepting in the matter of commerce; he having at first aimed at a general opening of all Japan. Throughout the Western world the treaty was hailed as an unsurpassed triumph, and the highest credit was everywhere given to Perry for the diplomatic genius which he had exercised. Nor was the achievement appreciated in Japan less than elsewhere. The Japanese were quick to realize the enormous benefits which would accrue to them through thus entering the common family of civilized nations. When ratifications of the treaty were exchanged, on February 21, 1855, the Japanese commissioners assured Perry that "his name would live forever in the history of Japan." In later years his fame and honor steadily increased, and in 1901 a stately monument was erected by the Japanese nation—the emperor himself subscribing to the fund—on the spot where Perry first landed and delivered the President's letter, and was dedicated with imposing ceremonies to the memory of the great commodore, whose visit was described by the Japanese government as "the most memorable event in our annals

—an event which enabled the country to enter upon the unprecedented era of national ascendancy in which we are now living.''

Other nations quickly showed in a most practical way their appreciation of the importance of Perry's work. In the early fall of the same year in which he ''opened'' Japan, a British admiral entered the harbor of Nagasaki with his squadron, seeking a similar treaty, which was made, and a few months later Russia and Holland successfully followed the example. The treaty made by Perry went into immediate effect, and its results were marked. In fact, its terms were observed by the Japanese even before the exchange of ratifications. A fortnight after Perry had left Yeddo an American clipper ship entered that harbor and was hospitably received. Soon after the exchange of ratifications American consuls were sent to the two new open ports of Shimoda and Hakodate. To the former place Townsend Harris of New York was sent as consul-general, and that very remarkable man had there a most memorable and historical career. On his way to Japan he visited Siam and negotiated a new treaty with that country, and then, on August 21, 1856, arrived at Shimoda. In his journal he made this entry: ''I shall be the first recognized agent from a civilized power to reside in Japan. This forms an epoch in my life, and may be the beginning of a new order of things in Japan. I hope I may so conduct myself that I may have honorable mention in the histories which will be written on Japan and its future destiny.''

That noble ambition was nobly fulfilled. At first Harris met with innumerable difficulties and obstacles, but with almost infinite tact, patience, and resolution he overcame them all. He exercised both consular and diplomatic functions, and on June 17, 1857, he signed a new treaty, correcting some misunderstandings which had arisen concerning Perry's treaty, and giving to Americans important new rights. Harris was also entrusted with the transmission of a letter from the President to the emperor, and he requested permission to go to the capital and deliver it in person. This was an unprecedented demand, and was regarded with much hesitation. Finally, however, it was granted; probably for fear that otherwise Perry's fleet would return and compel it. So with a picturesque retinue of several hundred attendants Harris set out by land from Shimoda for Yeddo. The trip took a week for its accomplishment, the populace and officials lining the "imperial highway" as the novel procession passed, reverently saluting the envoy and his flag. At the boundary of the metropolitan province an attempt was made, in accordance with law, to examine the visitor's baggage; but Harris objected, and insisted upon the general principle that an ambassador's or minister's baggage must be exempt.

He reached the gates of Yeddo on Saturday, and the Japanese expected that he would make his entry the next day. But he declined. He had always consistently refused to transact any business on Sunday, and the Japanese had come to understand and respect his principles. So he devoted that day, the first Sunday in Advent, to rest and religious exercises, himself reading the church service for the day to his secretary, who formed the whole congregation. The next day he entered Yeddo, under the American flag, while the multitudes looked on in wonder at the unprecedented occurrence. A few days later he was received by the shogun, or tycoon, who stood in lieu of the mikado as the actual sovereign. It was intimated to him that he should prostrate himself before the shogun, in accordance with Japanese custom; but he not only refused to do so but declared that any further suggestion of the kind would be regarded by him as an insult. At the interview the Japanese noblemen, including the shogun's own brothers, crawled to the throne on their hands and knees, while Harris alone of all the company remained erect, and merely bowed to the sovereign, as he would have done to the President of the United State or to a European monarch.

Having thus gained self-respecting access to the presence of the shogun, Harris set about securing for foreign ministers the right to reside at the imperial capital, and also the fuller opening of Japan to commerce and travel. For months his conferences and negotiations continued, during which time he was literally teaching the statesmen of Japan the elements of political economy and international law. They asked him what were the rank and duties of a minister; what was international law; what were open ports; and innumerable other such questions, which he answered in the manner of a teacher instructing his pupils. He was doubtless assisted in his efforts by the fact that at this time Great Britain and France were waging war upon China, and it was anticipated that as soon as they had completed their victory they would send their fleets to Japan to exact new treaties. So the Japanese government, under the leadership of Prince Ii-Kamon, decided to forestall them by making a treaty with the United States.

This convention was signed by Harris on July 29, 1858. It provided for the residence of ministers at the capital, and of consuls at all open ports; it opened additonal ports, authorized general commerce, established a tariff and trade regulations, and fixed the Japanese value of American coins. Residence of unofficial Americans in Japanese cities was also granted, their exercise of religious freedom was guaranteed, and civil and criminal jurisdiction over them was given to their consuls. The principles thus established were so broad and comprehensive that for the succeeding forty years they formed the basis of Japan's relations not only with the United States but also with the nations of Europe. A few weeks later, as had been anticipated, the British, French, and Russian fleets came flocking to the Bay of Yeddo, in quest of similar treaties, which were in due time secured.

One highly interesting feature of the Harris treaty was the provision that ratifications of it should be exchanged not at Yeddo but at Washington. It was Harris's shrewd but benevolent purpose that, just as the first foreign mission to Japan had been from America, so the first mission which Japan sent abroad should be to America. Before this could be done it was necessary for the Japanese government to modify the law which imposed the penalty of death upon any Japanese subject who voluntarily quitted the empire. Then, in February, 1860, a mission consisting of seventy-one persons departed from Japan for America, going to Washington by the way of San Francisco and Panama. These visitors were cordially and gracefully received in America, and returned home filled with admiration of what they had seen, and with ardent desires for Japan's adoption of many of the arts of American civilization. After the exchange of ratifications, Harris was appointed the first American minister to Japan, and he remained in that office until May, 1862, when, to the great regret of both countries, he resigned on account of impaired health and advancing years. He left a name and fame comparable with Perry's, in honorable place in the annals of Japan.

At the time of Harris's mission Japan was beginning to enter upon the throes of that great domestic conflict which ultimately abolished the rule of the shogun and restored the mikado to actual as well as theoretical sovereignty. Many disorders occurred, which in January, 1861, involved the murder of Harris's secretary, Mr. Heusken, in the streets of Yeddo, and in 1863 the burning of the American legation, which was then occupied by Harris's successor, R. H. Pruyn. Other foreigners and foreign legations suffered similar outrages, and all foreign ministers but the American fled to Yokohama and sought the protection of their ships of war. Pruyn, however, persisted in remaining at Yeddo. He simply moved into another house and demanded indemnity for the injuries which had been done. The Government, however, informed him that it could not guarantee his safety from the anti-foreign mob, and accordingly it escorted him with a strong force to Yokohama. He exacted from the shogun's government an indemnity of $10,000 for the murder of Heusken, a like sum for the destruction of the legation, and other indemnities for other wrongs to Americans. In these transactions he recognized, however, that the Japanese government was much embarrassed by the mob which was rebelling against its authority, and he maintained relations with it of so friendly a nature as to provoke other foreign ministers unjustly to suspect him of complicity with it against them!

The rising power of the mikado and his supporters presently compelled the shogun, for the first time in several centuries, to go to the mikado's secluded capital, Kioto, and there take orders from the titular emperor. As a result, a decree was issued that all foreigners should be driven out of Japan and the ports be closed against them, as of old. When this was made known to Pruyn, he refused to recognize it as valid. The rights of entrance, residence, and trade had been granted to American citizens by treaty, he said, and they would not and could not be relinquished. The very suggestion of such a thing was an insult to America and might well be considered equivalent to a declaration of war. If persisted in, it would certainly mean war between Japan and all the treaty powers. Although Pruyn had been more friendly with the Government than any other foreign minister, he now made it plain, with the authority of the secretary of state, William H. Seward, that the United States would stand with the other powers in insisting upon loyal observance of the treaties. It was recognized that this was tantamount to committing this country to coöperation and practical alliance with European powers, a procedure contrary to its established policy, but it was felt that in the exceptional circumstances such a course was justifiable. Ultimately, Pruyn singlehanded prevailed upon the Japanese government to withdraw the offensive decree.

Another menacing complication was caused by the rebellion of the Cho-Shiu clan against the shogun. The rebels attempted to close against all vessels the Strait of Simonoseki, between the Inland Sea of Japan and the China Seas, and when an American merchant vessel tried to pass through it was fired upon. News of this was despatched to Yokohama, and the American warship *Wyoming* was, at Pruyn's request, sent to the scene. It was also fired upon, whereupon it returned the fire, sunk one vessel, damaged two others, and engaged the land batteries; suffering a loss of four men killed and seven wounded. As vessels of other nations had also been fired upon, a conference of ministers was held, at which it was decided to send an international expedition to open the strait if Japan herself did not do it within twenty days. The shogun would or could do nothing, and so the expedition was sent. It was comprised of nine British ships, four Dutch, three French, and one American, the Civil War in the United States requiring the presence of the American navy there and leaving only a single vessel in Japanese waters. This expedition fought the Cho-Shiu forts and vessels for three days early in September, 1863, and compelled the reopening of the strait. An indemnity of $3,000,000 was exacted from the shogun, and was divided among the four powers. The American government and people looked, however, with disfavor upon this exaction, in such circumstances, and after holding it in the Treasury untouched for twenty years the United States returned its share of the indemnity to Japan, as an act of justice and friendship.

These incidents further weakened the declining power of the shogun, and finally he acceded, in 1865, to the urgings of Pruyn and the other ministers, that he should go to Kioto and secure the mikado's formal approval of the treaties, all of which had thus far been made only by the shogun. After this was done, the people generally treated foreigners with much more respect, and there was no more talk of annulling the treaties. In 1866 Pruyn retired and was succeeded by R. B. Van Valkenburg. In the next two years the rule of the shogun was finally and completely ended, and the mikado, Mutsu Hito, became the one actual sovereign, removing his capital from Kioto to Yeddo, which thereafter was known as Tokio. In 1867 and 1868 an attempt was made to revive a law of centuries before, prohibiting Christianity in Japan. Van Valkenburg called the other ministers together, and a strongly worded protest was made, which was effective for the revocation of all laws against Christianity and the establishment of religious freedom.

XIX

EARLY DEALINGS WITH HAWAII

WHILE relations were being cultivated with the great nations on the Asian rim of the Pacific, they were also growing up in an interesting manner with an isolated people in the midst of that ocean. The first discovery of the Hawaiian Islands was probably made by Spanish voyagers in the sixteenth century, who were shipwrecked there, were succored and well cared for, intermarried among the natives, and spent the remainder of their lives in those "summer isles of Eden." In 1555 Juan Gaetano also espied the group, but made no attempt at conquest or settlement. The first effective discovery, or rediscovery, was doubtless that of Cook, on January 18, 1778, who named the islands after his patron, the Earl of Sandwich. It does not appear that he attempted to claim sovereignty of them for the British crown, however, and at the time of his lamentable death there the islands were quite independent, under various tribal princes. A few years later they were made a single kingdom, under Kamehameha I. British vessels called there in 1786, and so did the French navigator, La Perouse.

It was in 1789 that the first Americans reached those islands, in circumstances not pleasant to remember. The *Eleanor,* Captain Metcalfe, and the *Fair American,* commanded by Metcalfe's son, stopped at Maui that fall, on their way to China. One of the *Eleanor's* boats was stolen and broken up by the natives, and in revenge for the act Metcalfe a few days later lured to the waters about the ship many canoes filled with natives flocking thither for purposes of trade, and then fired upon them with cannon and small arms, with great slaughter. More than a hundred innocent people, including women and children, were thus killed. Metcalfe then sailed away. But a little later the *Fair American* was surprised and captured by the natives, and all aboard, including Metcalfe's son, were killed, save two.

These, Isaac Davis, the mate, and John Young, the boatswain of the *Eleanor,* were held as prisoners. But they were so kindly treated that they presently married native women, became chiefs, and spent the rest of their lives on the islands, teaching the natives many of the arts of civilization.

Thereafter occasional visits were made to the islands by Americans and Europeans. In 1792, 1793, and 1794 the British explorer Vancouver visited them, and introduced to the islands for the first time cattle, sheep, oranges, and grapes. To Vancouver also we may credit the first implanting there of the principles of Christianity. So highly were his ministrations appreciated that on February 21, 1794, Kamehameha I held a grand council of his chiefs aboard Vancouver's ship, *Discovery,* and formally placed the islands under the protection of the British crown; and raised and saluted the British flag on shore. Strange to say, however, this act was never ratified by the British government, which thereafter for many years entirely neglected the islands.

Baranoff, the great Russian governor of Alaska, in 1809 planned the founding of a Russian colony in Hawaii, and for the next half-dozen years visits of Russian vessels to the islands were frequent. At Honolulu a small fort was built, the Russian flag was raised upon it, and efforts were made to secure a commercial lease of the islands; which was not successful. Then, on the advice of John Young, the former boatswain of the *Eleanor,* the Hawaiians themselves built a fort, of coral rock, to command the harbor of Honolulu, and equipped it with cannon. The Russians were then requested to retire from the islands, which they did; their aggressions being not only unsupported but disavowed by their own government. Thereafter the kingdom of Kamehameha I was undisturbed, save by domestic feuds, for many years. Tribal conflicts, however, were frequent, and increasing commercial intercourse with Europe and America brought to the islands more of the vices than of the virtues of civilization.

American commercial relations with the islands were begun at an early date by the same enterprising and intrepid voyagers who established our title to the Oregon coast, John Kendrick of Wareham, Massachusetts, with the ship *Columbia,* and Robert

Gray of Boston, with the sloop *Lady Washington.* It was in 1787 that they set out from Boston, upon their first memorable voyage to the Pacific, on which, apart from their other important achievements, they visited the Hawaiian Islands and began a trade with them in sandal-wood which later increased to great proportions. On their return to Boston in the summer of 1790 these pioneers were received as though they were great conquerors returning from their wars. Bells, banners, cannon, the cheers of the multitude, and the hospitality of the governor of the State, testified to the appreciation of their achievements; and conspicuous among these festivities was a stately Hawaiian chief, in royal attire, who had accompanied Captain Gray and who was the first of his race to visit the United States. A few years later the first horse ever seen on the islands was taken thither from Boston. Others followed, from the California coast, and soon the islands were well stocked with the animals and the natives became expert horsemen.

Thereafter commercial intercourse with the islands steadily increased and Hawaii became a regular stopping place for American vessels bound to and from China. This was partly because of the advantageous situation of the group, in mid-Pacific, and partly because of the sandal-wood trade. That commodity was in great demand in China, and American vessels found it profitable to call at the islands for cargoes of it, which they carried to China and there exchanged for tea, silk, porcelain, and the other commodities of Cathay. Captain Kendrick, indeed, left a number of men permanently ashore on the islands, to promote the cultivation and gathering of the wood. The whale fisheries and mother-of-pearl trade also took many American vessels to those waters and shores, and in the first quarter of the nineteenth century it was no uncommon thing for as many as fifty American vessels to be seen at once in and about the harbor of Honolulu. The people and rulers of the islands were generally most hospitable to them, partly because of their naturally amiable disposition and partly because of the rich profits which they derived from the commerce.

In the year of Baranoff's first designs upon Hawaii, 1809, American interest was attracted to the islands in a peculiarly romantic way, and a train of incidents was started which had a more profound effect upon the people of the isolated kingdom than anything else in all their history. The story runs that one day a strange, brown boy was found seated on the doorstep of one of the buildings of Yale College, at New Haven, Connecticut, weeping and evidently suffering much physical and mental distress. In broken English he revealed himself to be Obookiah, the son of a Hawaiian chief, fourteen years old. His father, mother, and brother had been butchered before his eyes in one of the inter-tribal conflicts which at that time frequently raged on the islands, and he had himself narrowly escaped the same fate. With two other boys, Hopu and Tamoree, the latter the son of the tributary king of the Island of Kauai, he had made his way to the coast. There the three had been received aboard an American vessel and brought to New Haven.

The lad was renamed Henry, was kindly cared for, and steps were begun for his education, but he presently fell ill and died, from the results of the privations and exposures which he had suffered during his flight. Hopu and Tamoree survived, however, and so did another refugee, John Honoree, who joined them. The three received the best education which New England could afford, and were converted to Christianity, and ten years after their arrival here, having grown to manhood, they desired to return to Hawaii, to take the lead in the regeneration and civilization of their fellow countrymen. This design aroused much interest in New England, and a company of fourteen men and women decided to accompany them. These comprised two clergymen, a teacher, a physician, a printer, a mechanic, and a farmer. Impressive farewell services were held in the historic Park Street Church, Boston, and on October 23, 1819, the expedition sailed from Boston, on the brig *Thaddeus,* on an errand of nothing less than epochal importance.

They reached Hawaii in the following March, to find that Kamehameha was dead, that the queen regent who succeeded him had abolished idol-worship and other pagan practices, and that the islands were in a peculiarly receptive state for the implanting of Christianity and American civilization. They were received with much cordiality, and Samuel Ruggles, the teacher among them, was adopted as a son by Tamoree's father, the tributary king of Kauai, and was made a royal chief.

The missionaries devoted themselves not merely to the preaching of Christianity but also to the promotion of the general welfare of the people. The physician healed the sick and taught the people how to care for their health. The farmer instructed them in agriculture. The mechanic developed various industrial arts. The printer set up a printing press and began publishing text books and other works in the native language. The teacher organized a system of public schools. Other missionaries, on similar errands, followed in the succeeding years, and civilization made more rapid advances in Hawaii than it was ever known to do in any other land in similar circumstances. Within five years Sunday was officially adopted as a holy day, and important decrees for the moral welfare of the people were promulgated and, best of all, were earnestly and effectively enforced. Some of the missionaries themselves engaged in commercial and industrial enterprises, as did their sons, and of course they were followed to the islands by many men who had no other object than trade. Thus the missionary movement had important commercial results. But the fact remains that it was conceived and primarily conducted with the sole view of achieving the moral redemption and the civilization of the people of the islands, with an unselfish and sincere devotion never surpassed in the history of the world. By the year 1828 there were 440 native teachers assisting the missionaries in their work and in 1840 the insular government took over the extensive system of schools which the missionaries had founded, as a national system of free public schools.

The importance of American intercourse with the islands in early years may be estimated from the fact that in the six years 1836–41 three hundred and fifty-eight vessels from this country called at Honolulu, the companies of which were estimated to have spent an average of probably seven hundred dollars each ashore, a total of a quarter of a million dollars. In the same period only eighty-two British and seven French ships visited Honolulu. The other ports of the islands were less frequented, though many American whalers touched at Lahaina. The magnitude of American commercial interests in the islands, and the assured prospect of further growth thereof, prompted our government on September 19, 1820, to designate John C. Jones to reside at Honolulu as "agent of the United States for commerce and seamen," practically a consul. He had general supervision of American affairs in the islands, and made reports thereon to the department of state. In 1823 he was succeeded by Thomas Crocker, who first bore the title of consul. It is of interest to recall that Crocker went to the islands on the Boston ship *Paragon,* whose second officer was John Dominis of Boston. This latter officer spent much time ashore at Honolulu, and he and his family cultivated intimate social relations with the royal family and the chiefs; and years later his son, John O. Dominis, married the native Princess Lydia, sister of David Kalakaua, the last king of the islands, who herself succeeded him as Queen Liliuokalani and who was the last sovereign of Hawaii.

Contact with visitors from other lands inspired some of the principal men of the islands with a desire to see for themselves something of the rest of the world; among them the king himself, Liholiho, who in October, 1823, with his queen and a considerable retinue, sailed for England on a British ship. The royal party was courteously welcomed by King George IV, and the visit would probably have resulted in the establishment of particularly close relations between the two countries, had not both the Hawaiian sovereigns sickened and died of measles within two months of their arrival in England. Their death caused a revolution in the islands, and the prime minister eventually became king, under the title of Kamehameha III.

During this revolutionary period American interests suffered somewhat and deserters from American ships fomented trouble ashore, so that the Washington government deemed it desirable to send some agent thither to adjust matters. Commodore Hull, commanding the fleet in the Pacific, then at Callao, Peru, received in May, 1825, orders to send a vessel to Honolulu on such a mission, and he accordingly selected the ship *Peacock,* commanded by Captain Thomas ap Catesby Jones. This officer, invested with *quasi*-diplomatic functions, reached Honololu in the fall of 1826 and soon succeeded in settling the little controversies which had arisen and in ridding both the natives and the American settlers of annoyance. He did more than that. Although he had not been specially directed to do so he proceeded to negotiate with the Hawaiian government a general treaty of friendship and commerce; the first ever made between Hawaii and any other country. This instrument provided for perpetual peace and friendship between the two countries, for the protection of American citizens and vessels from harm during domestic wars in the islands, for the proper care of shipwrecked crews, for the protection and civil rights of Americans in the islands, for the prevention of desertion from American vessels and the arrest and return of deserters, for the promotion of trade between the two countries, and for the establishment of the "most favored nation" principle. It was an eminently just and beneficent compact, and it embodied the terms on which American relations with the islands had been and were thereafter conducted. Unfortunately, however, the United States Senate neglected to ratify it, and it therefore never became technically effective, and the distinction and advantage of being the first actually to establish treaty relations with Hawaii were forfeited by the United States in favor of its two rivals. For a treaty was made and ratified between Hawaii and Great Britain in November, 1836, and another was made with France in 1839, both of which, like that of Captain Jones, were negotiated by commanders of warships invested with diplomatic powers.

It is a lamentable fact to record that while American missionaries, as already related, were doing much for the moral welfare and civilization of the islands, and the insular rulers cordially seconded their efforts, not only American traders but also men and even officers of the United States navy at times exerted violent measures for the discouragement of such progress and for the degradation of the people. In 1825, in addition to the adoption of Sunday as a day of divine worship, the Hawaiian government issued a decree forbidding native women to go aboard or to be taken aboard ships for purposes of prostitution; as had formerly been done on a vast and demoralizing scale. The crews of various British and American whaling and trading vessels attempted in a riotous fashion to compel the restoration of the former immoral and criminal practices, but it was reserved for the company of a United States national vessel to engage most actively in that infamous work. In January, 1826, the United States schooner *Dolphin,* commanded by Lieutenant John Percival, entered the harbor of Honolulu, and remained several weeks. At first the crew was orderly and the new code of morals was respected. But one Sunday in February a number of the men went ashore, in quest of native women whom they might take back to the vessel with them, or with whom they might indulge in debaucheries ashore. Finding these things forbidden, they violently invaded the house of one of the chiefs, in which at the time divine worship was being conducted, and threatened to loot and destroy it if they were not permitted to have the women. The authorities appealed to Lieutenant Percival to restrain his men from their lawlessness, but he instead supported the men and by dint of threats compelled the Hawaiian authorities to permit gross violations of the law. It is charitable to assume that he took this course through weakness, feeling unable to control his men, However that may have been, the effect of the incident was pernicious, both in encouraging lawlessness and immorality and in creating suspicion and antagonism toward the United States.

A few years later, indeed, a certain attempt at reparation was made by the United States government. President Jackson had presumably heard of the incident of the *Dolphin* and of Percival's evil conduct, and in 1829 he sent Captain Finch, with the United States ship *Vincennes,* to Honolulu on an official errand. Finch bore numerous costly gifts from the president to the king, queen, and principal chiefs, and a letter from the secretary of the navy, in which occurred this significant passage:

"The President anxiously hopes that peace and kindness and justice will prevail between your people and those citizens of the United States who visit your islands, and that the regulations of your Government will be such as to enforce them upon all. Our citizens who violate your laws, or interfere with your regulations, violate at the same time their duty to their own Government and country, and merit censure and punishment."

Finch remained at Honolulu for several weeks, cultivating the most friendly relations with the Government and people, seeking to counteract the bad effects of the *Dolphin* outrage, and gathering information concerning the trade and resources of the islands.

Two years later serious trouble arose in the islands over the conflicting claims of rival religious organizations, or perhaps more correctly through governmental partiality in religious affairs. The British consul, Richard Charleton, had ever since his appointment some years before manifested intense hostility toward the American missionaries and their works. It is probable that he was actuated by political rather than religious motives, having an ambition to increase British influence in the islands with a view to their eventual annexation and recognizing the American missionaries to be the most formidable obstacle to such schemes. The influence of the Americans was, of course, toward republicanism rather than monarchy, and toward closer relations of all kinds with the United States rather than with Europe. In his efforts to combat these influences, Charleton resorted to religious rivalries, and sought the introduction of Roman Catholic missionaries, who would build up an organization antagonistic, he hoped, to that of the New England Protestants.

In this campaign Charleton was unexpectedly aided by the machinations of a French adventurer of unsavory antecedents, named Rives, who had been a menial in the service of King Liholiho. He had desired to go to England with that monarch, and when his request was refused he went aboard the vessel as a stowaway. When the ship was well on her way he revealed his presence; and soon regained the favor of the king, whom he encouraged in his vices of drinking and gambling. Rives managed to involve the royal party in some unpleasant episodes, as a result of which he was dismissed from it, and went to France to organize commercial speculations for the Hawaiian trade. He was also instrumental in securing the sending of seven Jesuit missionaries to the islands under an apostolic prefect, the Rev. J. A. Bachelot. These missionaries went to the islands in 1826, and soon found themselves regarded with disfavor by the Hawaiian government, which regarded the New England Protestant missionaries as its best friends and was therefore inclined to be hostile to any religionists who differed from them in faith. Of course the American missionaries did not attempt to allay this official hostility toward the newcomers, and the outcome was that in April, 1831, the Jesuits were expelled from the islands, and went to San Gabriel, California. They left behind them, however, converts and friends, who were treated with disfavor if not with actual persecution by the Government, and who were easily made the tools of Charleton in his anti-American campaign.

The friction became so acute that in August, 1832, Commander Downes was sent thither with the United States ship *Potomac* to observe the state of affairs and to do what he could for its amelioration, in which latter he succeeded to some extent, though for some years thereafter the island government continued to discriminate against the Jesuits and did not establish complete religious freedom and equality until 1839. The net result of Charleton's machinations was, however, the coming thither of the British warship *Actæon,* under the command of Lord Edward Russel, and the making, in November, 1836, of the treaty between Hawaii and Great Britain, which has already been referred to. There is no doubt that the Hawaiian government was partly coerced into making this treaty by the circumstance that the guns of the *Actæon* were at the time trained upon Honolulu; but the treaty itself was an entirely proper one; providing chiefly for the suitable protection of British subjects and their property in the islands.

It was in somewhat similar fashion that the French treaty was made three years later. In July, 1839, the French warship *Artemise,* commanded by Captain Laplace, visited the islands, and, under a practical threat of hostilities, required the making of a treaty guaranteeing religious equality and permitting the return of the Jesuits. By strange irony the French commander at the same time extorted a second treaty permitting the importation of intoxicating liquors into the islands, a provision which worked irreparable mischief upon the people. With insolence which should have been intolerable, and which should have been sharply resented by our Government, the French captain told the American consul that he would better not encourage the king to resist any of these demands, since in case of hostilities resulting from such refusal the American Protestant missionaries would be treated as enemies equally with the natives. But there were times when no insult or humiliation was too great for the American official maw to receive. Following this episode Charleton went home to England to inform his Government of the state of affairs and to suggest to it that the United States was practically a negligible quantity and that there was to be merely a scramble between Great Britain and France for the possession of the islands.

Meanwhile the Hawaiian government was striving to secure recognition and protection from the United States and other powers. In 1836 the Rev. William Richards, one of the American missionaries, had visited the United States in an endeavor to get some American competent and willing to serve the king as an adviser and instructor in diplomacy and statecraft. His efforts were unsuccessful, but in 1842 he and Timothy Haalilio, an educated native, visited England, France, and the United States successively, asking for the recognition of Hawaiian independence, which had never yet been given by any power. On December 14 of that year they addressed a letter to the secretary of state, giving an interesting sketch of the progress which the islands had made toward civilization, and making an earnest plea for such recognition as would assure them of a continued opportunity to work out their national destiny undisturbed. They said, in part:

"Twenty-three years ago the nation had no written language and no characters in which to write it. The language had never been systematized nor reduced to any kind of form. The people had no acquaintance with Christianity, nor with the valuable institutions or usages of civilized life. The nation had no fixed form or regulation of government, except as they were dictated by those in authority or who might by any means acquire power. The right of property was not acknowledged, and was, therefore, but partially enjoyed. There were no courts of justice, and the will of the chieftains was absolute. The property of foreigners had no protection except in the kind disposition of individuals. But, under the fostering influence, patronage, and care of his Majesty and of his predecessors, the language has been reduced to visible and systematized form, and is now written by a large and respectable portion of the people. Schools have been established throughout his dominions, and are supported principally by the Government; and there are but few, among the younger people, who are unable to read. They have now, in their own language, a library embracing a considerable variety of books on a variety of subjects, including the Holy Scriptures, works on natural history, civil history, church history, geography, political economy, mathematics, and statute law, besides a number of elementary books. A regular monarchical government has been organized, of a limited and representative character. . . . It has, moreover, been the uniform practice of consuls and commercial agents, resident in his Majesty's dominions, to demand all that protection, both of persons and property, which is demanded of sovereign and independent States; and this, his Majesty believes, has been duly and efficiently extended. While, therefore, all is demanded of his Government, and all is rendered by it which is demanded of or rendered by the Governments of sovereign and independent States, he feels that he has a right to expect his State to be acknowledged as such, and thus be formally received into the general compact of sovereign nations."

Fortunately the American secretary of state at that time was Daniel Webster, who had the prescience and the courage to deal fittingly with the case. Five days after the receipt of this communication he replied with a straightforward and sympathetic letter, in which he said:

"The United States have regarded the existing authorities in the Sandwich Islands as a government suited to the condition of the people, and resting on their own choice; and the President is of opinion that the interests of all commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that the great majority belong to the United States. The United States, therefore, are more interested in the fate of the islands and of their Government than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences with it in matters of commerce."

Nor was this the extent of Webster's interest in the islands. He laid the matter before the President, Tyler, with the result that the latter on December 30 sent to Congress a special message on the subject, recommending recognition of Hawaii and a practical guarantee of its independence. He said in the course of this document:

"It cannot but be in conformity with the interest and the wishes of the Government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected, and all its rights strictly and conscientiously regarded. And this must also be the true interest of all other commercial States. Far remote from the dominions of European powers, its growth and prosperity as an independent State may yet be in a high degree useful to all whose trade is extended to those regions, while its nearer approach to this continent and the intercourse which American vessels have with it, such vessels constituting five sixths of all which annually visit it, could not but create dissatisfaction on the part of the United States at any attempt by another power, should such an attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native Government. Considering, therefore, that the United States possess so very large a share in the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control over the Hawaiian government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very large intercourse which American vessels have with the islands, would justify this Government, should events hereafter arise to require it, in making a decided remonstrance against the adoption of an opposite policy by any other power. Under the circumstances, I recommend to Congress to provide for a moderate allowance, to be made out of the Treasury, to the consul residing there, that, in a government so new and a country so remote, American citizens may have respectable authority to which to apply for redress in case of injury to their persons and property, and to whom the Government of the country may also make known any acts committed by American citizens of which it may think it has a right to complain.''

The one weakness of the attitude thus taken by our Government was in its failure at once to make a formal treaty with the islands, and indeed in Webster's strange statement that the President did not see the need of any formal treaty or the appointment of a diplomatic representative at that time. Perhaps if the President had known what was at that very moment in preparation he would have thought and acted differently.

For on February 11, 1842, only a few weeks after the President's message had been delivered to Congress, the British warship *Carysfort,* commanded by Sir George Paulet, entered Honolulu harbor. It had come to demand satisfaction for a claim which Charleton had preferred against the Government. Certain lands to which he had title had been attached in some legal proceedings. No execution was issued against them, but notice was given that until the legal proceedings were ended the lands could not be transferred to any other owner. Charleton protested that this was an infringement of his rights as a British subject, and on this ground secured the sending of this ship. Immediately upon anchoring Paulet sent to the Governor of the Island of Oahu a curt message, demanding an interview with the king in person, for the satisfaction of the repeated insults which, he said, British subjects had received from the Hawaiian government. The king was then absent, on the Island of Maui, but five days later he returned to Honolulu, whereupon Paulet wrote directly to him, again demanding an interview. The king sent his personal representative, Dr. George P. Judd, to see Paulet, but the latter insultingly rejected him, and then explicitly threatened to attack the city at four o'clock P. M. the next day, if the king had not complied with his demands before that time.

The demands in question were that the attachment should be removed from Charleton's lands, that reparation should be made to Charleton for alleged losses which in fact he had not suffered, that a man named Simpson should be recognized as consul in Charleton's place on the mere strength of Charleton's personal designation of him, that a new trial should be granted to one Henry Skinner who claimed that he had been improperly convicted, that no British subject should be put in irons unless charged with a crime which would warrant such treatment under British law, and that British subjects should be tried by juries one half of the members of which should be British subjects approved by the consul. Some of these demands were wholly unreasonable, while the manner in which they were made and the threat with which they were accompanied were quite inexcusable. It is impossible to avoid the supposition that Paulet was deliberately seeking to ''rush'' the islands and to annex them by force to the British Empire. The king realized this. But he was helpless. He had no means of resistance, and defiance would mean the destruction of the city and the slaughter of the people. There was every reason to expect that Paulet's threat would be fulfilled, as doubtless it would have been. There seemed nothing to do, therefore, but to yield to the inevitable. But on the principle that death was better than dishonor, the king preferred the extinction of his sovereignty to its humiliation through compliance with unjust demands. Instead, therefore, of complying with the demands he announced the surrender of his sovereignty and the cession of the islands to Great Britain, subject to whatever terms might be subsequently agreed upon between his commissioners and those of the British government appointed for the purpose.

This was really shrewd policy on the part of the king, since it gave time for the arrival of help from the only source from which it could be secured. At the moment when he made this extraordinary act of cession, therefore, he sent an account of the whole matter to the United States government, where Daniel Webster was still secretary of state, reminding it of the sentiments which had been expressed by Webster and by the President, and imploring it to ''interpose the high influence of the United States with the court of England'' for the undoing of the great wrong. As for Paulet, he accepted the cession, and appointed a commission for the provisional government of the islands, of which the king or his representative was to be a member, the others being British subjects. The British flag was raised, and a regiment called the ''Queen's Own'' was organized. The king protested against some of these acts, and withdrew from the commission, but the others continued their rule without him. Soon, however, something was heard from headquarters.

The President and the secretary of state acted promptly on receipt of the Hawaiian appeal, sending instructions to Everett, the minister to Great Britain, and also accrediting to him some special Hawaiian commissioners to London, to protest against Paulet's act. Everett was specially prepared for the business, for the reason that a little time before Webster had written to him about Charleton's performances and the conduct of the French, had reminded him of the policy already set forth by the President, and had expressed the hope that Great Britain and France would adopt a pacific, just, and conservative course toward the Government and people of the islands. Acting promptly on the basis of this note, Everett had secured from the British government the assurance that the independence of the islands would be recognized, and also the information that the British government had warned France that no encroachments upon the islands would be tolerated, and that France had replied that none was intended. When, therefore, the news reached London that Paulet had practically seized the islands, the British government was much embarrassed, and Everett had the whiphand of it in demanding that it should fulfil the assurances which it had recently given to him. To its everlasting credit the British government promptly vindicated its good faith. It distinctly disavowed Paulet's act, both to Everett and to the Hawaiian commissioners, and renounced the sovereignty which that overzealous officer had proclaimed. It was a little reluctant to do the latter, not on principle but for prudential reasons. France had just seized the Marquesas Islands and was believed to have despatched an expedition to Hawaii for the same purpose there, and it was suggested that the temporary retention of British sovereignty would be the best protection of the islands against such a peril. It was made plain by Everett, however, that such protection would not be necessary, and accordingly on June 25, 1843, the British minister at Washington formally announced that his Government had disavowed the seizure of the islands and had renounced sovereignty over them. On July 11, before news of this could reach the islands, Commodore Kearney arrived at Honolulu with the

United States frigate *Constellation,* and made a formal protest against the British occupation and against the acts of Paulet's commissioners so far as they affected the interests of American citizens. But twenty days later Rear-Admiral Thomas, of the British navy, arrived with the man-of-war *Dublin,* hauled down the British flag, reraised and saluted the Hawaiian flag, and repeated the formal declaration of disavowal. He further declared that the Queen of Great Britain recognized Kamehameha as the legitimate King of the Hawaiian Islands, that her sentiments toward him were those of esteem and friendship, and that she desired him to be treated as an independent sovereign.

The attitude of the United States was tersely expressed on June 13, 1843, by Legare, the acting secretary of state, in a note to Everett, in which he said that "we might even feel justified, consistently with our principles, in interfering by force to prevent its (the Hawaiian kingdom's) falling into the hands of one of the great powers of Europe." In that pithy declaration the United States applied to Hawaii the identical policy which many years before had been enunciated concerning Florida and Cuba, if not, indeed, concerning Louisiana. The attitude which, in consequence, was assumed by the British and French governments was unmistakably set forth on November 28, 1843, when the British foreign secretary and the French ambassador in London signed a declaration to the effect that those countries, "taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage, reciprocally, to consider the Sandwich Islands as an independent State, and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed."

Concurrently with these transactions the United States took the long-delayed step of establishing regular diplomatic relations with Hawaii. In pursuance of the recommendations in the President's special message of the preceding December, Congress provided for the sending of a "commissioner," who was to be practically a minister, to the islands, and on March 3, 1843, George Brown of Massachusetts was appointed to the place. He reached Honolulu in the following October, and was the first such envoy ever received by a Hawaiian king. His reception was cordial, the king and people feeling grateful to the United States for rescuing them from British aggression. In his introductory address to the king he expressed the hope that the friendship between the two countries would be maintained and strengthened; to which the king replied that citizens of the United States would always receive from him the privileges accorded to those of the most favored nation. This was an interesting assurance, seeing that at that time Hawaii had treaties with Great Britain and France but none with the United States. Unfortunately, it was not always fulfilled. Only a short time afterward an American, John Wiley, was put on trial for some offense at Honolulu. He asked to be tried before a jury of Americans or other foreigners. The request was refused, and he appealed to Brown. The latter repeated the request, pointing out that the Hawaiian treaty with France provided that no Frenchman should be tried save before a jury composed of foreigners approved by the French consul. The appeal was again denied, and Wiley was tried before a jury composed, according to Hawaiian law, half of foreigners and half of natives. The verdict was against him, and an appeal was made. While it was pending, on February 12, 1844, a treaty was made with Great Britain which contained the same provision concerning juries as that with France. Despite this, and in the face of the king's promise about ''most favored nation'' treatment, the appeal was denied on the ground that the United States had no treaty stipulations to that effect. President Tyler approved the contentions of Brown, and the latter then proceeded to protest against the British-Hawaiian treaty on the ground that it discriminated against the United States. At this the king asked the United States to recall Brown, as no longer *persona grata.*

Anthony Ten Eyck of Michigan was appointed in his place in 1845 and was duly received, though he did not succeed in greatly ingratiating himself at the Hawaiian court. Calhoun, who had become secretary of state, maintained the ''most favored nation'' claim, even in the absence of a treaty, but instructed Ten Eyck to seek the making of a treaty at the earliest possible date. This, however, he was not able to do. New treaties were made by Great Britain and France in 1846, in which the provisions concerning juries were materially modified, so as to permit trial before mixed juries, according to Hawaiian law. Despite this, Ten Eyck foolishly persisted in demanding a treaty providing for juries on the basis of the former and then abolished British and French treaties. This naturally offended the Hawaiian government, and it came near to requesting Ten Eyck's recall. Indeed, it might have done so had he not anticipated its action by voluntarily resigning, in September, 1848. He remained in the islands about a year longer, awaiting the coming of his successor, but was quite ignored by the United States government. He afterward wrote and forwarded to Washington a letter full of bitter criticisms of the President (Polk) and the secretary of state (Buchanan) which made their further recognition of him practically impossible. His course was the more foolish and unfortunate for the reason that Buchanan, while he warned him against the folly of his jury policy, strongly supported him in his efforts to secure some sort of treaty. Indeed, Buchanan went about as far as possible in putting pressure to bear upon the Hawaiian government, writing to Ten Eyck, on August 28, 1848, for repetition to the Hawaiian government, as follows:

"The President has learned with regret and astonishment the probable refusal of the Hawaiian government to conclude a treaty with the United States upon the terms of the treaty with Great Britain. He entertains the hope that this may not be their final determination. If it should be, he will be compelled to consider it as evidence of a want of friendly feeling toward this Government. . . . This Government, having . . . pledged itself to accord to that of the Hawaiian Islands the rights and privileges of a sovereign State, cannot in honor and justice demand from it anything which, under like circumstances, it would not demand from the most powerful nations. I can discover nothing that would justify this Government in objecting to the decisions of the Hawaiian courts in ordinary cases arising under the municipal laws of the country or in dictating the policy which that Government should pursue upon any domestic subject, and especially that of the tenure of real estate by resident foreigners. . . . We ardently desire that the Hawaiian Islands may maintain their independence. It would be highly injurious to our interests, if, tempted by their weakness, they should be seized by Great Britain or France; more especially so since our recent acquisitions from Mexico on the Pacific Ocean."

The most serious crisis of all thus far in Hawaiian history came in 1849. At the beginning of that year Charles Eames of New York was appointed United States commissioner in Hawaii, but did not go thither for some time; J. Turrill, the American consul at Honolulu, in the interim filling his place, as he had done ever since the resignation of Ten Eyck. On August 13 two French warships, commanded by Rear-Admiral Tromelin, entered the harbor of Honolulu, and some extraordinary demands, coupled with threats, were presented to the Hawaiian government, on the pretext that it had wantonly violated certain provisions of the treaty with France. The American consul was informed by the French commander that no conquest, occupation, or protectorate was contemplated, but merely redress of grievances, and he was assured that in case of trouble the property of Americans would be respected and protected. Turrill, however, protested against the proceedings, and in so doing was supported by the British and all other consuls. Tromelin ignored the protests, and when the king failed to comply with his demands, landed a company of marines, and took forcible possession of the fort, custom house and other government buildings, and a number of vessels. The Hawaiian flag was not hauled down, nor that of France raised, but the buildings were held for five days, and much public property was damaged and destroyed. No resistance was offered by the king, but he commissioned James Jackson Jarves, an American resident of Honolulu, to solicit the friendly mediation of the President of the United States. George R. Judd, who had already served as the king's representative, was a little later appointed as Jarves's colleague, with instructions to enlist also the attention of the British government. President Fillmore readily complied with the request, and negotiations were begun to secure the joint intervention of Great Britain. While these were slowly proceeding, with little promise of success, a highly important achievement was effected, in the negotiation and ratification of the long-desired treaty between Hawaii and the United States. This was done at Washington, on December 20, 1849, by John

M. Clayton, secretary of state, and J. J. Jarves, the Hawaiian commissioner. It was a treaty of friendship, commerce, navigation, and extradition. It was ratified on February 4, 1850, and was proclaimed on November 9 of that year. Thus for the first time the treaty relations which Captain ap Catesby Jones had sought nearly thirty years before were secured.

The French crisis remained, however, not only unsettled but increasingly menacing. In July, 1850, Clayton, as secretary of state, felt constrained vigorously to reassert the attitude of the United States as follows, in a note to Rives, the American minister to France:

"The Department will be slow to believe that the French have any intention to adopt with reference to the Sandwich Islands the same policy which they have pursued in regard to Tahiti. If, however, in your judgment, it should be warranted by circumstances, you may take a proper opportunity to intimate to the minister for foreign affairs of France that the situation of the Sandwich Islands in respect to our possessions on the Pacific, and the bonds, commercial and of other descriptions, between them and the United States are such that we could never with indifference allow them to pass under the dominion or exclusive control of any other power. We do not ourselves covet sovereignty over them. We would be content that they should remain under their present rulers, who, we believe, are disposed to be just and impartial in their dealings with all nations."

The conduct of the French became, however, more and more aggressive and menacing, with the result that in March, 1851, King Kamehameha resolved upon the extraordinary course of placing the islands under the protection, temporary or permanent, of the United States. On March 10 he signed a decree to that effect, to take effect upon its publication. In this unique document he declared his despair of obtaining justice and equity from France, and his intention of placing all his possessions under the protection and safeguard of the United States until some arrangement could be made with France compatible with his rights as an independent sovereign and with his treaty engagements with other nations; or, if such arrangements were found impossible, under the perpetual protection of this country. It may be added that this document was disclosed to the

Hawaiian Parliament and was ratified by both Houses on June 21, 1851. The document was shown to Luther Severance, who had become American commissioner in Hawaii, on March 12, and was then sealed and left with him, with the superscription: "The King requests the Commissioner of the United States, in case the flag of the United States is raised above the Hawaiian, that he will open the enclosed and act accordingly." It was the purpose of the king, in the event of extreme measures by the French, to raise the American flag above the Hawaiian on all public buildings, as a signal to the American commissioner to proclaim an American protectorate, and as a warning to the French that they would have the United States to deal with if they proceeded further. A flag showing the Stars and Stripes on one side and the Hawaiian colors on the other was also prepared for use by the ladies of the Hawaiian court.

Severance reported all these things and the detailed progress of affairs to Webster, who had now succeeded Clayton at the state department, and Webster in reply urged him to be firm but cautious. He was to return the protectorate document to the king, and he was not to let the naval forces of the United Sates become embroiled with those of France, the making of war being a congressional function. He was to avoid encouraging any one in "any idea or expectation that the islands will become annexed to the United States." These were private instructions to Severance. For official and public purposes Webster wrote as follows:

"The Government of the United States was the first to acknowledge the national existence of the Hawaiian government, and to treat with it as an independent state. Its example was soon followed by several of the Governments of Europe, and the United States, true to its treaty obligations, has in no case interfered with the Hawaiian Government for the purpose of opposing the course of its own independent conduct, or of dictating to it any particular line of policy. . . . It declared its real purpose to be to favor the establishment of a Government at a very important point in the Pacific Ocean, which should be able to maintain such relations with the rest of the world as are maintained between civilized States. . . .

"This Government still desired to see the nationality of the

Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased.

"But while thus indisposed to exercise any sinister influence itself over the councils of Hawaii, or to overawe the proceedings of its Government by the menace or the actual application of superior military force, it expects to see other powerful nations act in the same spirit. It is, therefore, with unfeigned regret that the President has read the correspondence and become acquainted with the circumstances occurring between the Hawaiian Government and Mr. Perrin, the commissioner of France at Honolulu. . . . The Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five sixths of all their commercial intercourse is with the United States, and these considerations, together with others of a more general character, have fixed the course which the Government of the United States will pursue in regard to them. The annunciation of this policy will not surprise the Governments of Europe, nor be thought to be unreasonable by the nations of the civilized world; and that policy is, that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands manifestly unjust and derogatory, and inconsistent with a bona fide independence, shall be enforced against that Government."

Most significant as a warning to France was this addendum to the foregoing:

"The Navy Department will receive instructions to place and to keep the naval armament of the United States in the Pacific Ocean in such a state of strength and preparation as shall be requisite for the preservation of the honor and dignity of the United States and the safety of the Government of the Hawaiian Islands."

This was tantamount to a declaration that our navy would be used if necessary for the protection of Hawaiian independence against French aggression. A little before this, also, Webster had written to Rives at Paris, for communication to the French government, that enforcement of the French demands "would be tantamount to a subjugation of the islands to the dominion of France. A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government. This is a result to be deplored. If, therefore, it would not be too late, it is hoped that you will make such representations upon the subject to the minister of foreign affairs of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, and to make amends for the acts which the French agents have already committed there in contravention of the law of nations, and of the treaty between the Hawaiian Government and France."

Copies of the letter to Severance were transmitted to Paris and were placed in the hands of the French minister at Washington, with a prompt and gratifying result. Louis Napoleon had no stomach at that stage of his usurpation for a war with the United States. His Government therefore, while expressing "surprise" at the course and utterances of the American government, disclaimed any intention of intervening improperly in Hawaiian affairs, particularly of claiming sovereignty over the islands, and the incident was closed with a practical withdrawal of the extravagant French demands.

Thus far the United States government had been profuse in its protestations that it had no desire to annex the Hawaiian Islands and no thought of doing so; in which it was doubtless sincere. But Great Britain and France were becoming increasingly skeptical of the perpetuity of that policy of renunciation, and the sequence of events in the near future showed that they were justified in that feeling. We need not assume, as some did, that the United States had all along been warning others off Hawaii in order to grab it herself. There is certainly no cause for questioning Webster's entire sincerity in his disclaimers. But it sometimes happens that the logic of events becomes too strong for even the most resolute intentions. Had the Hawaiian government steadfastly desired to retain its independence, the United States would most probably have maintained its renunciatory policy. But beginning with that offer to come under our protection in March, 1851, the annexationist spirit in Hawaii grew rapidly, and it was met half way by the expansionist spirit which prevailed at Washington under Marcy's administration of the state department. As early as September 22, 1853, Marcy wrote to David L. Gregg, the American commissioner in Hawaii, that it seemed likely that the islands at a future date, perhaps not distant, would be transferred to or come under the protectorate of some other power than their own. It was not the policy of the United States to accelerate such a change. But if in the course of events it became inevitable, the United States would take the islands itself rather than have them pass to any third power, an event which would be unfavorable to our welfare. To this Gregg replied that the Hawaiian government was becoming more and more convinced of the impossibility of its maintaining permanent independence, and that it was in consequence more and more inclining toward annexation to the United States. At this Marcy wrote, on December 16, to Mason, the minister to France, that it seemed to him inevitable that the islands must come under the control of this Government, and also, that it would be only reasonable and fair that Great Britain and France should acquiesce in such a transfer, provided that it were effected by fair means. Both those countries had already been apprised of our determination not to let the islands pass to one of them or to any other nation, and they ought to realize that in case of the inability of the islands to maintain an independent status, they must come to us. He therefore desired Mason to "ascertain, if possible, without making it a matter of direct discussion, what would probably be the course of France in case of an attempt on the part of the United States to add these islands to our territorial possessions by negotiation or other peaceable means."

The results of Mason's inquiries were negative, but it was pretty generally understood that Great Britain and France would both protest against American annexation of the islands. Marcy was not discouraged, however, and in April, 1854, he instructed Gregg to negotiate a treaty of annexation. He pointed out that if the United States established a protectorate over the islands it would take upon itself heavy and responsible duties for which it could hardly expect to receive compensating advantages. He understood, he added, that the people of the islands desired to have the islands "become a part of our territories and be under the control of this Government as fully as any other of its territorial possessions." It would be necessary, and just, for the United States to pay annuities to the native chiefs whose rule would be extinguished, and this should be done liberally, perhaps to the gross amount of a hundred thousand dollars a year. Gregg proceeded with negotiations, which were facilitated by the influence of commercial interests, and by rumors of uprisings against the native dynasty and of filibustering enterprises from our Pacific coast.

As soon as it became known that such negotiations were in progress, the British and French representatives in the islands addressed to the king a strong joint remonstrance against annexation of the islands to the United States, while on the other hand many petitions from the natives were presented to him in favor of annexation. Then there appeared one day at Honolulu a combined British and French fleet of eight vessels of war, which had been ordered thither in haste from Callao, Peru. Its commanders called upon the king and urged him not to listen to any proposals of annexation to the United States, since the consummation of such an act would certainly cause trouble and would possibly lead to war with both their countries. To this the king made a noncommittal reply, and the fleet departed after a few days. At a later date the British consul had an audience of the king, and for more than an hour argued, pleaded, and threatened against the annexation scheme. He literally railed against the United States, and warned the king that it would be disastrous for the islands to fall under its corrupting influence. The king listened patiently, and at the end made a noncommittal reply, but shrewdly and strongly intimated that thenceforth all communications of importance would better be submitted in writing.

Finally, the treaty was made, and was sent to Marcy at Washington, who disapproved it in two major respects. One objection was, to the amount of the annuities to the chiefs, which had been fixed, against Gregg's will, at three times the maximum amount which Marcy had suggested. The other and more serious objection was to the proposed status of the islands after annexation. Marcy had written to Gregg, as also to Mason in Paris, of the addition of the islands ''to our territorial possessions,'' at that date wisely discerning the prudence and indeed the necessity for our national integrity that the constitutional United States should be strictly confined to contiguous territory on the North American continent, and that all outlying and insular possessions should be held permanently in a territorial status. But the Hawaiians were intent not merely upon ultimate but upon proximate if not immediate statehood in the Union, and they therefore insisted upon the incorporation in the treaty of annexation of a provision to that effect. That damned it in Marcy's eyes; and if in his, surely in those of all other serious statesmen. The treaty was therefore not referred to the Senate, but was returned to Gregg for revision. But before Gregg could obtain the needed changes, if indeed he could have done so at all, which is doubtful, the king died, and his successor was disinclined to annexation on any terms. The matter was therefore dropped for the time.

Reciprocity was next considered. For this both countries were ready, if not eager. Hawaii sent commissioners to Washington to seek it, and Marcy was responsive and sympathetic. On July 20, 1855, a treaty of commercial reciprocity was made, and was sent to the Senate for ratification. It was understood that the committee on foreign relations, to which it was referred, was favorably inclined toward it, but for some reason which never was disclosed it was never brought up for action. During the Civil War in the United States, in 1863 and 1864, efforts were made by the Hawaiian government to get the reciprocity treaty taken up again and ratified, but in view of the probable effect of it upon the public revenues at that time the United States government declined to consider such a course. At this time, however, the rank of the American representative in Hawaii was raised from that of commissioner to that of minister resident. In 1866 the Dowager Queen of Hawaii visited the United States, on her way home from England. In 1867 a new reciprocity treaty was negotiated, but after being pigeon-holed for three years it was rejected by the Senate. Again in 1867, 1868, and 1871 the question of annexation was reopened. Seward, as secretary of state, in the first named year declared that "a lawful and peaceful annexation of the islands to the United States, with the consent of the people of the islands, is deemed desirable by this Government"; adding that "if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred." The next year, however, Seward confessed that the settlement of the issues arising out of the Civil War dominated the national mind and attention to the exclusion even of "the higher but more remote questions of national extension and aggrandizement." In the early part of 1871 the minister of the United States to Hawaii, Henry A. Pierce, reopened the annexation question, and his despatch to the President was confidentially submitted to the Senate without recommendation, though the opinion of the Senate was solicited as a guide to future action. The result was that nothing was done in that direction for many years.

XX

SOME VIGOROUS SELF-ASSERTION

IN the decade of 1831 to 1840 a material change in the relations of the United States to some of the chief European countries began to be effected through the medium of greatly increased immigration. Thitherto the number of aliens entering this country had been comparatively small, and had been chiefly from the British Isles. Thus in the eleven years from 1820 to 1830, less than 100,000 persons came hither from Europe, of whom more than 75,000 were from the United Kingdom, nearly 51,000 being from Ireland, over 22,000 from England and Wales, and nearly 3000 from Scotland. In that period 8497 came from France and 6761 from Germany. These were not sufficient to produce any marked effect upon either the domestic economy or the foreign relations of the United States, the total population of which at that time ranged from 10,000,000 in 1820 to 13,000,000 in 1830. But following 1830 the tide of immigration was enormously increased, and its sources were greatly changed. In the ten years from 1831 to 1840 the influx from Europe rose to 495,688, or five times as great as in the preceding decade. The United Kingdom still contributed the major part, though not as large a majority as before, its total being something over 283,000, of whom 207,000 were from Ireland and 73,000 from England. The number from France increased fivefold, to 45,500. But most marked and significant of all was the increase in German immigration, which rose to 152,454, or considerably more than the total from all countries in the preceding decade. The process continues in the succeeding years, owing chiefly to industrial distress in Ireland and to political unrest in Germany. In the years 1841 to 1850 Europe sent us a total of 1,597,000, of whom 263,000 were from England, 780,000 from Ireland, 77,000 from France, 434,600 from Germany, and 14,000 from Sweden and Norway.

The influx of 1,500,000 aliens into a nation of only 23,000,000 was sufficient to produce a marked social and economic effect, and also a perceptible influence upon the attitude of this country toward some foreign lands. The succeeding decade, 1851 to 1860, saw similar causes produce similar results. The total influx from Europe was 2,452,657, of which number Ireland contributed 914,119, the largest number on record from that country; England sent 385,643, Scotland 38,331, Switzerland 25,011, Spain and Portugal 10,353, Sweden and Norway 20,931, the Netherlands 10,789, Italy 9231, the first considerable number from that country, France 76,358, and Germany the enormous total of 951,667, the largest number from any country at that time. And in 1860 the total population of the United States was only about 30,000,000.

One effect of this increase of naturalized citizenship was the formation, in the years between 1850 and 1860, of the short-lived American or ''Know Nothing'' party, one of whose purposes was to resist foreign influence in American affairs by excluding foreign-born citizens from official place. It was a secret, oath-bound organization which soon fell into disrepute and vanished with the dissolution of the Whig party, of which it was really a part. Far more important and more lasting was the effect produced by the addition of naturalized citizens in great masses to one or the other of the political parties; this being sufficient in several States to control domestic politics and to decide the results of elections. Most regrettable of all, however, was the attempt, which was occasionally made, to use this control of domestic politics as a means of influencing governmental policy in foreign affairs.

The various revolutionary movements in Europe inevitably attracted much attention here, and on several occasions involved the United States in diplomatic controversies. One of the most notable examples of this was in 1849 and the two or three succeeding years. At that time occurred the revolt of Hungary against the reactionary despotism of Austria. American sympathies had already been greatly aroused and drawn out by the revolutionary and democratic movements of the preceding year throughout most of the continental countries, and they were further intensified by the representations of the tens of thousands of political exiles and refugees who flocked to America upon the suppression of those uprisings. Accordingly when Louis Kossuth and his fellow Magyars raised the standard of Hungarian republicanism against the imperialistic absolutism of Austria, a popular wave of interest and enthusiasm in their behalf swept over the United States, of which the Government could not help feeling the influence. As a matter of fact Hungarian republicanism was very far removed from that of America. But it bore the same name; and it presented a grateful contrast to the autocracy with which the Habsburg emperor began his reign.

In 1849 the American secretary of state, Clayton, sent Dudley A. Mann as a special envoy to observe the progress of the struggle and to recognize the Hungarian republic in case he found it sufficiently well established to warrant such action. Before Mann arrived in Hungary, however, the Russian czar had sent an army down to aid the Austrians, and these imperial and absolutist allies had crushed the Magyar revolt beyond all hope of success and Kossuth and the other leaders had fled to Turkey for asylum. He therefore took no action toward the recognition of Hungary, but sent a detailed report of his mission home to Washington. The President, Taylor, in his message to Congress in December, 1849, referred to this incident, and said that he had sent Mann on the errand because he had deemed it his duty in accordance with the general sentiment of the American people to be prepared to be the first to welcome Hungary into the family of nations in case she should succeed in establishing her independence. The propriety of this was perhaps open to dispute, though there was much to be said in its favor. Hungary was by right entirely independent of Austria, though having the same sovereign, and her revolt was against an unacceptable king and not against Austria, to which country she was in no sense subject. But the Austrians took great umbrage at the incident, and the chargé d'affaires at Washington, Huelsemann, sent to Clayton a note vigorously protesting against what he considered an unwarranted and unfriendly intrusion into the domestic concerns of a sovereign and friendly power. While this controversy was in progress President Taylor died, and in the reorganization of the cabinet which followed Daniel Webster succeeded Clayton as secretary of state. To him Huelsemann addressed another note, still stronger in tone. Indeed, it may fairly be considered as hectoring and offensive. Webster so regarded it, and he determined to administer a sharp rebuke, which he did. He asserted, with irresistible logic, the right and the intention of the United States to recognize any *de facto* revolutionary government which it deemed worthy of recognition; and consequently its right to seek, in any proper way, the information necessary to guide its action aright. Such information was the object of Mann's mission, and there was no ground for complaint against it. Having thus vindicated the course of this Government, he proceeded with a rebuke to Austria, in a contrast between that empire and this republic. ''The power of this republic,'' he wrote, ''at the present moment is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Habsburg are but a patch on the earth's surface. Life, liberty, property, and personal rights are amply secured to all citizens and protected by just and stable laws; and credit, public and private, is as well established as in any government of continental Europe. Certainly the United States may be pardoned, even by those who profess adherence to the principle of absolute governments, if they entertain an ardent affection for those popular forms of political organization which have so rapidly advanced their own prosperity and happiness, and enabled them in so short a period to bring their country and the hemisphere to which it belongs to the notice and respectful regard—not to say the admiration—of the civilized world.''

That was not in Webster's best style. It was not one of the worthiest of state documents. It has, indeed, been described by a judicious and not unfriendly historian, John F. Rhodes. as ''hardly more than a stump speech under diplomatic guise.'' Webster himself realized it to be such, and so intended it. Writing to a correspondent he said: ''If you say that my Huelsemann letter is boastful and rough, I shall own the soft impeachment. My excuse is twofold. First, I thought it well enough to speak out and tell the people of Europe who and what we are, and awaken them to a just sense of the unparalleled growth of this country. Second, I wished to write a paper which would touch the national pride.'' In this latter object he certainly succeeded. No utterance from the state department ever met with more prompt and passionate approval from the whole nation. The time was, of course, psychologically well chosen. The militant fever of the Mexican War had not yet subsided, and the American people were regarding it as their ''manifest destiny'' to ''whip all creation'' and to cause the United States to be ''bounded on the north by the Aurora Borealis, on the south by the Precession of the Equinoxes, on the east by Primeval Chaos, and on the west by the Day of Judgment.'' There was, moreover, legitimate ground for hatred of the oppression which Austria and Russia had exerted upon Hungary; and for resentment at what Lowell aptly termed—and rightly execrated—''a certain condescension in foreigners.'' So on the whole it is impossible to remember without a thrill of patriotic exultation this intrepid American challenge to that ancient and immeasurably proud and haughty House of Habsburg which vaunted itself as the direct political successor of the Cæsars of Imperial Rome.

This utterance was promptly followed with both official and popular action still more ruffling to Austrian susceptibilities. A resolution was adopted by Congress formally inviting Kossuth and his fellow exiles to become the guests of the United States, and in order to avert danger of their capture by the Austrian government while on their way hither a warship of the United States navy was despatched to Turkey to convey them. Kossuth was received upon his arrival in New York with public and official demonstrations of welcome such as not even Lafayette had enjoyed. He was taken to Washington, received by the secretary of state, presented to the President, and received by both Houses of Congress with elaborate ceremonies. Had he been the sovereign or the president of some great and friendly nation, no more marked and flattering attention could have been paid to him. Much of this arose from the spirit which had been manifested in Webster's letter to Huelsemann, from a sincere sympathy with European liberalism and hatred of the reactionary course of Austria and Russia, which was likened not inaptly to that of the Holy Alliance thirty years before.

Much of it was also inspired by the remarkable personality of Kossuth himself, his picturesque appearance, his magnetic eloquence, and the romantic features of his career. Much, too, it must be confessed, was prompted by sordid and selfish political ambition, political leaders of the two American parties competing in their laudations of him, in the hope of thus using the popular enthusiasm over him for the promotion of their own ends.

All this was of course intensely annoying to the Austrian chargé d'affaires, who was still smarting under the castigation of Webster's letter, and when, as he thought, the matter was brought to a climax by Webster's attendance and eulogistic speech at a public banquet given to Kossuth, he addressed a letter of remonstrance and protest to the secretary of state. To this no reply was given. Huelsemann thereupon sought an interview with the President himself, and repeated to him the protest which Webster had ignored. The sequel to this was a note to him from Webster, informing him that the United States government wished no further intercourse with him save such as might be comprised in written communications addressed to the secretary of state. This was almost tantamount to dismissal; and Huelsemann so regarded it. He promptly left Washington and returned to Austria, declaring in a note of farewell to Webster that his Government was recalling him because it could not permit him to remain any longer "to continue an official intercourse with the principal promoters of the much to be lamented Kossuth episode." Webster reported this to the American minister at Vienna in a letter in which he sought to vindicate his own course and to put Huelsemann entirely in the wrong. He pointed out that as a mere secretary of legation and chargé d'affaires *ad interim* Huelsemann had no right to discuss diplomatic business with the President, and certainly none to appeal to the President over the head of the secretary of state, especially against mere newspaper utterances and the remarks of private citizens. His own remarks at the Kossuth banquet, he insisted, were made in his private capacity and not officially as secretary of state, and therefore the Austrian government had no occasion to take offense at them.

All this was technically true enough, though of its substantial sincerity there may be some doubt. There can be no doubt that the craze over Kossuth was carried much too far. Indeed, it had a disastrous effect upon that impulsive patriot himself, in giving him an exaggerated estimate of the attitude and purposes of the American government. He did not content himself with traveling from city to city, making public addresses intended to arouse sympathy and secure pecuniary aid for the Hungarian cause. He actually sought to enlist the United States government officially in the campaign and to get it to intervene with force and arms in behalf of European revolutionists. Some of the speeches of public men, including senators and representatives, undoubtedly encouraged him to indulge in such vagaries of hope, but the sounder sense of the nation soon reasserted itself to his disappointment. Webster, despite his words, would commit the Government to no official act in behalf of Hungary, and the conclusion of the whole matter was that in 1852 Kossuth returned to Europe, to find asylum in Switzerland, with only a small sum of money contributed by his American admirers, and amid a popular indifference which presented a striking contrast to the delirium of enthusiasm which had marked his coming to America.

The fact was that the American people, when they recovered from the first flush of passion, realized that they had been in danger of going too far. They were being tempted through over-generous sympathies, if not through less creditable motives, to intrude themselves unduly into European affairs, and thus to do the very thing which in the Monroe Doctrine this nation had pledged itself not to do, and the analogue of which in European meddling with American affairs would have been most vigorously resented.

A sequel to the Kossuth episode occurred in 1853, when William L. Marcy had succeeded Webster in the state department. Among the Hungarian revolutionists who had come hither with Kossuth was one Martin Koszta, who declared his intention of becoming an American citizen and took the first steps in that direction. Before the process of naturalization was complete, however, he desired to visit Asia Minor on matters of business, and did so, with the result that at Smyrna he was arrested by Austrian authorities and placed aboard an Austrian warship to be conveyed to Trieste. This was a violation of Turkish neutrality, but the Turkish government was unable or unwilling to prevent it. The American consul protested, however, and demanded Koszta's release, on the ground that he had declared his intention of becoming an American citizen and was therefore under American protection. This sufficed to delay Koszta's removal from Smyrna to an Austrian port until the arrival of the United States warship *St. Louis,* whose commander, Captain Ingraham, at once resorted to strenuous measures for the release of the refugee. Clearing his decks for action, he notified the Austrian commander that he would employ whatever force was necessary for the rescue of Koszta unless he was released by an appointed time. The result was that Koszta was released and delivered to the neutral custody of the French consul until the dispute could be settled by diplomatic means. Eventually he was returned to the United States, though without prejudice to the conflicting claims over the points of international law which were involved. The Austrian government protested against the actions of the American consul and captain, and demanded disavowal of them and reparation. Marcy, however, refused even to consider such a concession, and in a detailed state paper fully supported the conduct of Captain Ingraham; which of course had been hailed with great popular enthusiasm throughout the United States.

In this famous Koszta case it must be frankly recognized that both Austria and the United States were in error. There can be no question that the action of the Austrian consul and naval commander was a gross violation of the rights of sovereignty of Turkey. But Captain Ingraham's employment of force, or his threat to employ it, was no less void of warrant in law. The ground on which it was justified at the time was that it was a vindication of Turkish sovereignty against Austrian aggression. But that would have been valid only if done at the request of Turkey, which was not the case. The pretense that Koszta was entitled to American protection because he had declared his intention of becoming an American citizen was utterly fallacious and void, at any rate when presented to Austria. It is probable that it was valid as between the United States and Turkey. The American consul at Smyrna had indeed given

Koszta a traveling pass which explicitly declared that he was entitled to American protection and which was respected by the Turkish government. If its declaration was unwarranted, that was a matter for controversy between only the American and Turkish governments and no other. Koszta had never been other than an alien to Turkey, and the Government of that country could have no claim upon his allegiance; wherefore even the slightest shadow of protection by any other country had to be respected. But never has the proposition been maintainable that mere declaration of intention to become naturalized invests a man with the rights of citizenship or with title to protection as a citizen, against the demands of his native country. The fact is that at that time and down to a much later date the United States courts were generally inclined to accept the old common-law doctrine that a man could not at his own will, and without the consent of his Government, renounce his allegiance. The principle of individual freedom of expatriation was not generally and explicitly adopted until the enactment of a law to that effect by Congress in 1868. Buchanan as secretary of state did indeed insist upon that principle, and at various other times in our early history it was asserted, but it was not or would not have been sustained by the courts. As for the nonacquirement of citizenship rights by the mere act of declaring intention, there can be no doubt on that subject whatever. Upshur, as secretary of state in 1843, Buchanan in 1848, Marcy in 1856, and Cass in 1857, unmistakably declared or conceded that the preliminary act of declaring intention to become a citizen gave no title to protection as against the country from which the subject was about to expatriate himself. Later secretaries of state have been still more emphatic, to the same effect. The course of Captain Ingraham, and that of Marcy in sustaining him diplomatically, must really be esteemed as merely a colossal piece of "bluffing," which happily, however, accorded with the equities of the case.

During Pierce's administration Marcy, as secretary of state, dealt with three other European matters in a similarly resolute manner, but on far more valid grounds of law and right. During the Crimean War various British agents, including the minister at Washington and the consuls at New York, Philadelphia, and Cincinnati, undertook to enlist men in the United States for service in the British army. That was of course a grave violation of the principle of neutrality, as well as of the statutes of the United States. It also aroused much popular indignation in this country, and actually turned toward Russia the American friendship and sympathy which had been alienated by her assistance of Austria against Hungary. The offense was so flagrant—though far less on the part of the minister than of the consuls—that the Government could not help taking cognizance of it. Crampton, the British minister, had been in this country for a long time and was much liked, both in society and by the officials with whom he came into contact. For that reason Marcy at first merely protested against his indiscretions. This being ineffective, he suggested to the British government that Crampton should be transferred, without reproach, to some other post. Lord Clarendon, however, positively declined to take this course, and refused to concede that Crampton had done anything amiss. Thereupon in May, 1856, Marcy sent the minister his passports and dismissed him from the country. The three consuls mentioned were also dismissed. Much indignation was expressed in the British press, and there were demands that the American minister at London should be dismissed by way of retaliation. The British government apparently recognized, however, that Crampton had at least been indiscreet and that the American government was justified in its action; wherefore it did nothing in return but to leave its Washington mission vacant until the beginning of the next administration.

At the end of the Crimean War the various European powers which had participated in it, and which therefore united in the treaty of peace, adopted at Paris in 1856 a series of regulations for the conduct of warfare at sea, to which they invited the adherence of other nations with a view to making them a part of the international law of the world. These regulations, constituting what is historically known as the Declaration of Paris, were four in number. The first provided for the abolition of privateering. The second exempted from seizure an enemy's goods under a neutral flag. The third exempted from seizure neutral goods under an enemy's flag. The fourth declared that a blockade in order to be valid must be effectively maintained with an adequate naval force. As all of these but the first had long been advocated by the United States, it was expected that this country would at once subscribe to them. But Marcy refused to do so. The abolition of privateering was to be approved, he held, in principle. But in practice it would be greatly to the advantage of nations with strong navies, and to the disadvantage of the United States with its comparatively small navy and very large mercantile marine. He therefore declined to accept that declaration, unless there should be added another rule exempting from seizure in naval warfare all private property, save only contraband of war. This, which was in effect the adoption in sea warfare of the rule which prevailed on land, had been advocated long before by Franklin, when it had been derided as visionary and utopian. The European powers declined to accept it, and consequently the United States did not become a party to the Declaration of Paris.

In 1857 the American government protested to the Danish government against the further imposition of dues upon vessels for passage through the Sound, between the North Sea and the Baltic. This exaction had been made from time immemorial, and European powers had been unable to effect its abatement. Marcy took the matter up in vigorous and resolute fashion, and succeeded in securing a treaty under which the dues were forever abolished in consideration of a cash commutation. This important reform was, of course, for the equal benefit of all maritime powers.

It is a pity to be compelled to record that Marcy's masterful administration of the state department was marred with one conspicuous triviality which involved American ministers abroad in no little ridicule. This was the issuing of a note advising all American diplomatic representatives at foreign courts to wear no ceremonial uniforms or "court dress," but to insist upon appearing, at all functions, "like Franklin, in the simple costume of an American citizen." Thitherto, a simple but appropriate uniform had been prescribed for their wearing, but Marcy seemed to regard it as "undemocratic." The effect of his advice, which was practically an order, was in some cases simply ludicrous and in others gravely embarrassing, actually endangering the friendly relations of the United States with several

European countries. In France, Spain, and Prussia it was found to be impossible to appear at court in ordinary civilian attire, and in order to avoid an open breach and withdrawal from their missions the ministers were compelled to devise court costumes of their own. It is said that that worn by Mason, in Paris, was copied by a tailor from a model furnished by the servants of the Austrian embassy! In London, Buchanan was plumply informed by the authorities that while he might wear what he pleased on ordinary occasions, he could not hope to be invited to court dinners and balls unless he came in court dress. He insisted upon following Marcy's advice, however, and accordingly when he was invited to attend the opening of Parliament he declined to go, because the invitation stated that no one not in full uniform could be admitted to the diplomatic gallery. His absence was of course much observed, and besides causing a social sensation gave rise to much unfavorable political comment. Later he compromised the matter by buckling at the side of his ordinary evening dress a small dress sword with a plain black hilt and scabbard. This at least served to distinguish him from the servants, and it was accepted by the authorities as constituting a "uniform." Thus attired he was received by the queen, and he expressed in his correspondence much pride at having been able to stand "in that brilliant circle in the simple dress of an American citizen." It did not seem to occur to him, or to Marcy, that in thus refusing to don conventional attire he was in fact practising the most extreme ostentation; and that it was no more "undemocratic" for American ministers to wear a diplomatic uniform prescribed by their own Government than for American army and navy officers to wear their uniforms.

The period between the Mexican War and the Civil War was marked with the beginning of American attempts to purchase Cuba from Spain, or in some fashion to annex that much coveted island as an addition to the slave-holding territory of the United States. Long before that time our peculiar interest in Cuba had been made manifest. John Quincy Adams, as secretary of state in 1823, in view of the supposed danger of French seizure or British purchase of it, in the war which then seemed to be impending between France and Spain, expressed the conviction that the annexation of Cuba must in time become "indispensable

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to the continuance and integrity of the Union itself. The transfer of Cuba to Great Britain,'' he continued, ''would be an event unpropitious to the interests of this Union. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the administration is called upon in the performance of its duties to the nation to use all the means within its competency to guard against and forefend it.'' Two years later Clay, as secretary of state in Adams's cabinet, declared that the United States was willing to leave Cuba in Spain's possession, but would not with indifference see it passing from Spain to any other European power; and that ''we could not consent to the occupation of Cuba and Porto Rico by any other European power than Spain under any contingency whatever.'' A little later in the same year, 1825, the United States declined to enter with Great Britain and France into a tripartite declaration that the wresting of Cuba from Spain would not be permitted, on the ground that Spain and the United States alone were concerned in that island. Finally, in 1840, Forsyth as secretary of state assured the Spanish government that in case of any attempt, by any power, to wrest Cuba from her, Spain might ''securely depend upon the military and naval resources of the United States to aid her either in preserving or recovering it.''

Such was the policy of the United States in relation to Cuba down to the time of Polk's administration. Then there came a change. In 1848 Saunders, the American minister at Madrid, was instructed to sound the Spanish government as to the terms in which it would sell Cuba to the United States. The answer was emphatic. It was that under no circumstances would any offer be considered. No Spanish minister would dare to entertain such a proposal. Such was the feeling of the nation that it would rather see Cuba sunk in the sea than transferred to any other power. The overtures for purchase were thereupon abandoned, but unfortunately other and less worthy measures were resorted to, though not by the Government. Narcisso Lopez, an adventurer from Venezuela, came to the United States and began organizing a filibustering expedition, which was to land in Cuba and lead a revolution there. In this he was eagerly aided by many Americans, who saw in the scheme a chance to wrest Cuba from Spain as Texas had been wrested from Mexico. The Spanish minister at Washington, Calderon de la Barca, called attention to what was going on, and protested strongly against such violation of neutrality; but in vain. The Government was sincerely desirous of maintaining the neutrality laws, and in 1849 President Taylor issued a vigorous proclamation against filibustering, which had the effect of preventing the departure of Lopez's first expedition. But the sentiment and sympathies of the people in the Southern States were so strongly with the filibusters that the laws could not be enforced, and the second expedition got away in triumph. It proved a disastrous failure, and Lopez fled back to Key West, while a number of his followers were captured in Cuba and were tried for piracy. They would doubtless have been put to death had not our Government interested itself vigorously in their behalf; when, after much trouble, Webster secured their release through the agency of Barringer, the American minister at Madrid.

Meantime Lopez himself was put on trial in the United States for violation of the neutrality laws, but no jury could be found in the Southern States which would convict him, even on the plainest evidence of his guilt, and he was accordingly acquitted. He immediately organized another expedition with which he invaded Cuba in 1851. There he failed to receive the support which he had expected and which Cuban refugees had assured him he would get, and he and about fifty of his followers, the latter including a number of young men belonging to prominent families in our Southern States, were captured, summarily tried by court martial, and put to death. The news of this tragedy, which was perfectly justifiable under Spanish law, roused a storm of wrath in the South, and at New Orleans, where most of the filibusters belonged, a mob stormed and destroyed the Spanish consulate, defaced a portrait of the Spanish queen, and looted a number of shops owned by Spanish merchants. In this episode the United States was of course so clearly in the wrong that there could be no thought of action against Spain for putting to death the American prisoners. Webster, however, secured the release of some remaining captives through the straightforward course of apologizing for the New Orleans outrage and recommending to Congress the voting of an adequate indemnity for the damage. In doing this, it is true, Webster took occasion to remind the Spanish government that it had technically no valid claim against the United States, which was not bound to give Spanish subjects domiciled here any more protection against mob violence than it gave its own citizens; and that its appeal for redress and reparation must be made, if at all, to the municipality of New Orleans or to the State of Louisiana. Of course any such appeal would have been vain, since popular sentiment was overwhelmingly on the side of the rioters and it would have been impossible to secure a jury which would render a verdict of conviction. There was involved in the matter the same issue that had arisen so greatly to the reproach and injury of the republic during the era of the Confederation, the issue between state and national authority. It seemed pitiable and humiliating to confess that the United States had no power to protect or to give legal redress to the subjects and officials of another sovereign State with which it had treaty relations, or even to punish the most flagrant crimes against them, but must remit the case to local authorities which were not parties to any treaty. Yet that was what Webster had to do, and his course was afterward repeatedly sustained by his successors as in accordance with American law. In such circumstances his offer of reparation was an entirely gratuitous act of courtesy, which reflected much credit upon him and upon the nation. Palmerston, the British foreign secretary, pronounced it ''highly creditable to the good faith and sense of justice of the United States government.'' The Spanish government, however, was not altogether mollified, and its Cuban administration thereafter exhibited much animosity toward Americans. Many harsh impositions were put upon American merchants, for which no redress could be had, and relations between the two countries became ominously strained.

Spain had unquestionably ground for feeling aggrieved at the United States. It may be granted that the intentions and the conduct of the American government were friendly and lawful. It must also be recognized that they were inefficient for the prevention of serious wrongs to Spain. Certainly the intentions and the conduct of a considerable part of the American people were wholly lawless and hostile to Spain, and conspicuous among the offenders were men standing high in official life or exerting great political influence. It is not always possible to discriminate between what a man does as a private citizen and as a member of Congress or other public officer; or indeed between the official and the popular attitude of a country. When a widespread and numerous organization, the ''Order of the Lone Star,'' comprising many men of light and leading, openly proclaimed its purpose to be the looting of Spain by the seizure of Cuba, and shipped men and munitions to aid the revolt in that island, it was not strange if Spain, accustomed herself to regarding such things as existing only with the permission and sanction of the government, assumed our government to be responsible for it. There was, however, another influence at work, which was unquestionably potent in stiffening Spanish resentment and animosity. That was the attitude, if not indeed the direct representations, of the British government, which was then not altogether cordial to the United States and which gave Spain cause to believe that she could count upon its support. In 1851 the British and French governments announced that their navies had been instructed to prevent filibustering expeditions from the United States against Cuba. That was unwarrantable meddling in affairs which concerned only Spain and the United States, for which no justification could be found in international law, and it provoked from Crittenden, who was acting as secretary of state during Webster's illness, a vigorous protest, and a warning that it would not be permitted by this government. But of course it greatly ingratiated the Spanish government and persuaded it that Great Britain was its friend and would aid it in any clash with the United States.

Following this, Spain made a direct appeal to Great Britain for treaty guarantees against American aggression, with the result that in April, 1852, the British government proposed to the United States that this country should join it and France in a tripartite convention, all guaranteeing Spain in the possession of Cuba, and all explicitly renouncing any designs of their own for the acquisition of that island. Edward Everett was then acting as secretary of state, and he replied with a firm and positive refusal to enter into any such compact, on the ground that American interests in Cuba and relations toward that island were radically different from those of any other power. That was quite true, and it was a perfectly logical and commendable application of the principle of the Monroe Doctrine and of the traditional policy of the United States to refuse to admit such European intervention in American affairs, or in affairs exclusively concerning America and a single European power. We had long before laid down the rule that a European power must not transfer its American possessions to another European power, in the cases of Louisiana, of Florida, and of Cuba itself; and a convincing corollary thereof prohibited any such guarantee of European possessions here by other European powers; though Jefferson on one occasion had advocated precisely such a tripartite compact. The weak point in our position was, of course, the notorious inclination of this country to acquire Cuba for itself, by fair means or foul. But that, after all, was a matter between us and Spain, with which neither Great Britain nor France had any legitimate concern.

The accession of Pierce to the Presidency and of the strenuous and aggressive Marcy to the secretaryship of state was expected to lead promptly to the annexation of Cuba, even at the cost of war with Spain. Doubtless Marcy, a strong expansionist, would have welcomed annexation, though he was not enamored of the extension of slavery; and he probably would not have shrunk from the contingency of a war with Spain or indeed with any other power. But Marcy was both a lawyer and a statesman, and he carefully considered all sides of the subject, with cool and conservative calculation, and resisted all efforts to stampede the Government into a course for which there was not full justification. This prudent policy was not pleasing to the impetuous pro-slavery propagandists of the South, who were exasperated at the disappointment of their designs in Texas and California and were passionately eager to gain recompense therefor in the acquisition of Cuba. It was unfortunate for Marcy, and indeed for the good fame of the nation, that he felt constrained to acquiesce in the sending of Pierre Soulé to replace the resolute but conservative Barringer as minister to Spain. For Soulé, a man of French birth and over-gifted with the impulsiveness and idealism of that race, had been a political conspirator and prisoner in France, had come hither as a refugee, and then, as a Louisianian, had been in the closest and most active sympathy with the filibustering enterprises and even with the anti-Spanish mob at New Orleans, and was known to be an ardent advocate of the annexation of Cuba. The choice of such a man as minister to Spain was extraordinary, and might reasonably have been regarded as intentionally provocative.

Marcy was presumably apprehensive of the outcome of such a mission, for he was particularly explicit and emphatic in his instructions to Soulé, urging him to avoid anything which might increase Spanish irritation, and to be exceedingly cautious in overtures for the annexation of Cuba. He instructed him, however, to be firm in demanding reparation for the gross outrages which Americans had suffered in Cuba, and in urging the Spanish government to invest the Cuban governor or captain-general with diplomatic authority and functions, so that complaints could be addressed to him and matters be negotiated with him, instead of their all being referred to the Government at Madrid. He finally authorized him to negotiate for the purchase of Cuba, if he found the Spanish government inclined to such a transaction. But Soulé was not to be bound by any such prudent counsels. He went to Spain by the way of France, which in itself was injudicious; and although as an American citizen and diplomatic envoy he was of course permitted to pass through the country in which he had been a prisoner of state, he had to do so under police surveillance. This circumstance revived his old animosity toward the French government, and especially toward Louis Napoleon, who cordially reciprocated his hatred, and on his arrival at Madrid he quickly became involved in hostilities with the French party there. Arrayed against him were the mother of the French Empress Eugenie; the French ambassador; the Duke of Alva, brother of Eugenie; and the Spanish minister for foreign affairs, Calderon de la Barca, who had formerly been minister to the United States and with whom at Washington Soulé had violently quarreled. In these circumstances Soulé's position at Madrid verged upon the preposterously impossible. He might have redeemed his mission by discreet conduct, but instead he gave himself up to the wildest extravagances. Because of a supposed slight to Mrs. Soulé, soon after his arrival, his son fought a duel with the Duke of Alva, and he himself fought another with the French ambassador, in which the latter was crippled for life.

This was a bad beginning, but worse followed. News came that an American steamer, the *Black Warrior*, had been seized by the Cuban authorities at Havana. The circumstances of the seizure were certainly provoking, and it is impossible to avoid belief that they were deliberately intended to be so. The vessel had long been making regular and entirely legitimate trips to that port. But on the latest of them she was arbitrarily seized and her cargo was condemned; not for filibustering or illicit trade but for alleged disregard of some obsolete port regulations which had long been ignored. In consequence, the master of the vessel felt constrained to abandon her altogether. The President reported the incident to Congress, and stated that a demand for redress and indemnity was being made. Some violent speeches were made in Congress by Southern members, and there were even demands for war and the conquest of Cuba. Marcy, however, kept his head, and instructed Soulé to demand an indemnity of $300,000 and to express a hope that the Cuban authorities would be appropriately rebuked for an act which it was confidently assumed the Spanish government could not approve. A fine opportunity was thus presented to Soulé, for Spain was manifestly in the wrong; but with characteristic indiscretion he not only failed to improve it but actually used it as a means of still further compromising his mission. He at first, indeed, followed his instructions closely, in an interview with the Spanish minister for foreign affairs. But when three days elapsed without bringing him a satisfactory reply, he flew into a passion and sent the minister a note in which he went far beyond his instructions. He demanded not only the indemnity which Marcy had prescribed but also the immediate dismissal from the Spanish service of all persons implicated in the outrage upon the *Black Warrior*. He added a peremptory and ultimatum-like demand that all this should be done within forty-eight hours under penalty of at once giving him his passports and severing diplomatic relations between the two countries. Soulé even instructed his messenger on delivering the note to the Spanish minister to point to the clock and remind him that in exactly forty-eight hours from that moment an answer would be required. The case was aggravated by the fact that it occurred in Holy Week, when it was not customary at Madrid to transact business which could possibly be postponed. Calderon, however, with punctilious courtesy, replied within twenty-four hours, to the effect that the matter would be most carefully considered at the earliest possible moment, but that it was manifestly not practicable nor would it be just to dispose of so grave a matter so hastily and upon the hearing of only one side of it. He added, quite properly, that the Spanish government was not accustomed to being addressed in so harsh and imperious a manner, which it could not regard as the most adequate for attaining the amicable settlement which was desired. Intemperate conduct had, of course, placed Soulé at a hopeless disadvantage. He could do nothing but send his unauthorized ultimatum and Calderon's dignified and temperate reply to Marcy. Probably he expected, and certainly he hoped, that Marcy would support the attitude he had taken, and would instruct him immediately to demand his passports and quit Madrid. But Marcy had no thought of doing so. He probably would not have done so in any event, but it was out of the question for him to consider it in the then existing circumstances, for before Soulé's correspondence reached Washington the Cuban authorities had restored the *Black Warrior* to her owners with the amplest possible amends, and the whole incident was ended and on the way to be forgotten. So Soulé was left to eat his own words.

Marcy, however, still cherished the desire to annex Cuba, partly for the sake of securing so valuable a property for the United States and partly to remove what he saw would be a perennial cause of annoyance and even of danger; though he contemplated nothing more than purchase through amicable negotiations. With this end in view he directed Soulé to place himself in conference with the American ministers to Great Britain and France, to consider the best method of persuading Spain to dispose of Cuba and of avoiding objection on the part of the other two powers. Now Buchanan, at London, was a Northern man with strong Southern sympathies, while Mason, at Paris, was an ardent Southern advocate of the extension of slavery. When the three came together at Ostend, in the summer of 1854, and later at Aix-la-Chapelle, therefore, they naturally took extremely aggressive ground. They signed and sent to Marcy, in October of that year, the extraordinary document known as the Ostend Manifesto, as the result of their deliberations. In this document, which was chiefly written by Soulé, various reasons were set forth why Cuba ought to belong to the United States, foremost of them being that such acquisition was necessary for the security of the slave system; why Spain ought to sell it; and why the other European powers ought to acquiesce in the transfer. The price, it continued, ought not to exceed a certain maximum, which was not stated but which was understood to be $120,000,000. Then, with almost incredible cynicism and effrontery, it was added that if Spain should be so ''dead to the voice of her own interest and actuated by a false sense of honor'' as to refuse to sell Cuba, then ''by every law human and divine'' the United States would be justified in wresting it from her, if it had the power to do so. The specious pretext was added that such seizure would be made to protect the internal peace of the United States. Soulé sent this astounding document to Marcy, with the suggestion that that was a good time to begin war upon Spain, since Great Britain and France were engaged in fighting Russia in the Crimea and would therefore be unable to intervene in Spain's behalf.

The receipt of this message both astounded and embarrassed Marcy. He could not for a moment think of approving it, and he knew that the weight of American opinion would be against it. Even in the South all but the most extreme realized that Soulé and his colleagues had gone too far, while the North was almost unanimous in denouncing the ''manifesto'' as an act of potential brigandage. In Great Britain and on the Continent a most unfortunate impression was produced, and the good repute of American diplomacy was seriously impaired. In these circumstances Marcy discreetly refused to recognize the obvious purport of the ''manifesto.'' He affected to assume that it did not recommend the alternative of cession or seizure, and proceeded to argue the inadmissibility of such a course. If Spain was unwilling to sell, he said, the negotiations must necessarily be abandoned. This was doubtless the wisest course that Marcy could have pursued. Had he taken this ''manifesto'' at its real meaning, his repudiation and rebuke of it, no matter how severe, would still have left an opportunity for complaint on the part of Spain. But by pretending that it did not mean any such thing he protected himself and the United States against such representations, while the palpable irony of his tone was far more stinging to Soulé than direct censure would have been. Soulé was unspeakably chagrined and enraged, and at once resigned his office; and thus the episode came to a serio-comic end. A few years later, in December, 1858, Buchanan, then President sought to revive it in his second annual message. He referred to the possibility of its being at some time necessary to seize Cuba under "the law of self-preservation," and at his request a bill was introduced into Congress appropriating $30,000,000 for the purchase of the island; but no decisive vote was ever taken on it. A year later he again mentioned the subject, but his reference to it was ignored.

While these things were going on at the South, a highly important change in foreign relations was being effected in the North. Ever since the treaty of 1818 had been made with Great Britain, supposedly for the definition of American rights in the North Atlantic fisheries, there had been dispute concerning its interpretation and application. One of the chief points of dispute was whether the line marking the three-mile limit of territorial waters should follow all the windings of the coast, or should be drawn boldly, straight across from headland to headland so as to include such bodies of water as the Bay of Fundy and the Bay of Chaleurs within the territorial limits and make them closed seas. The Canadians and Newfoundlanders inclined to this latter interpretation, while Americans were insistent upon the former. Another question was whether the Strait of Canso, between Nova Scotia and Cape Breton, which in some places is not more than a mile wide, should be regarded as a part of the two high seas which it connects, or whether vessels passing through it should be required to pay tolls, as in inland waters. Much friction arose over these matters. and ill feeling was engendered between the two countries.

About 1847, however, the adoption of the free trade system in Great Britain began to affect the commercial relations of that country and its colonies. The ports of the United Kingdom were open to the commerce of all countries, and Canadian trade, having no preferential privileges there, was crowded out by more successful rivals. In these circumstances Canada turned to the United States for a market, and finding herself barred out by the American tariff asked for a system of reciprocity and offered in return for access to American markets to grant American fishermen the largest possible freedom in Canadian coast waters. Our Congress declined to consider the proposal favorably, and the strife over the fisheries continued. An increased British naval force was placed on the Canadian coast, to terrorize American fishermen, in the hope of thus coercing the United States into granting reciprocity. The effect was chiefly to arouse a strong sentiment in favor of reprisals, in sending an American naval force to the scene; and one was sent, Webster as secretary of state declaring that American fishermen should be protected, ''hook and line, bob and sinker.'' A British agent came hither to seek adjustment of the trouble, but in vain, and talk of war began to arise. In 1854, however, Lord Elgin, the Governor-General of Canada, came to the United States for the purpose of negotiating a commercial treaty. He was accompanied by a large staff of secretaries and other assistants, and was cordially welcomed at Washington, although at first little encouragement was given to his hopes of success. Marcy told him frankly that while he was himself in favor of making a reciprocity treaty, there would be no chance of getting it ratified in the Senate, as the senators of Marcy's own party were opposed to it. But Elgin refused to be discouraged. He addressed himself socially to the senators, and in the course of a week or two so ingratiated himself personally as to win them to a more favorable view of his mission. A treaty was negotiated and was signed on June 5, 1854, providing for free trade between the United States and Canada in all the natural products of both land and sea, for the reciprocal privilege of fishing in all coast waters, and the free reciprocal navigation of all rivers, canals, and straits. This treaty was ratified by the Senate, and had the fortunate results of putting an end to the fisheries dispute and of greatly increasing trade between the two countries. It was made for a term of ten years, at the end of which, in 1865, it was terminated by an act of the American Congress, not on its own merits, or its lack of merits, for despite some faults it was really highly beneficial to both countries, but because of ill-feelings growing out of our Civil War and the Canadian sympathies with the Southern Confederacy.

During the administration of President Buchanan, Lewis Cass was secretary of state; a man of advanced years and inactive habits, and American diplomacy was much of the time in a quiet slack-water. One of its successes was attained in a somewhat dubious manner, namely, by disputing the British right to interfere with the American slave trade. The anti-slavery agitation in the United States had increased the value of slaves, and there was a corresponding increase in the activity of slave traders, between Africa and the United States, despite the illegal status of that traffic. In fact, the Buchanan administration was either unable or unwilling to enforce the law against it—perhaps both. British vessels were active in repressing it, however, and in so doing frequently fired upon, stopped, and searched American vessels which were suspected of being slavers, not only on the African coast but even in the Gulf of Mexico. Cass vigorously protested against this, recalling the fact that the War of 1812 had been fought largely to protect American vessels from such ''outrages,'' and at his request the secretary of the navy ordered American warships to those waters to prevent any further proceedings of that kind. Cass wrote on April 10, 1858, to Lord Napier, the British minister, a powerful letter upon the subject, in which he declared that for an officer to board the vessel of another nation, take command of her, examine her papers, pass judgment upon her character, decide whether she was or was not complying with the laws of her own country, and send her to port for trial, was something to which an independent country could not submit. It had been argued that unless search were permitted a vessel of any other nation might carry on the slave trade with impunity simply by hoisting the American flag. To this he replied that such a vessel would be entitled to no protection, but the vessel stopping and searching it must do so at its own risk. ''As the identity of a person must be determined by the officer bearing a process for his arrest, and determined at the risk of such officer, so must the national identity of a vessel be determined at the like hazard of him who, doubting the flag she displays, searches her to ascertain her true character.'' His citations from British authorities were copious and his logic was so cogent that reply was practically impossible. Some correspondence did indeed follow, but the British foreign minister, Lord Malmesbury, promptly expressed to the American minister at London, Dallas, his entire assent to Cass's contention as to the illegality of search, and in a written memorandum said: "Her Majesty's government recognizes the principle of international law as laid down by General Cass in his note of the 10th of April." Thus at last was ended one of the most vexatious controversies which had ever arisen between the two nations, and one which had been in existence for just three quarters of a century. This was indeed a notable triumph for Cass, though it must be regretted that it had even the appearance of being in the interest of the most abhorrent traffic ever known to man. It was made the more complete during the next year, when Cass secured from the British and French governments a formal agreement upon rules and instructions to seamen concerning the right of visitation; in which the British government, which had once so strenuously insisted upon the "right of search," explicitly instructed its naval officers that "no merchant vessel navigating the high seas is subject to any foreign jurisdiction. A vessel of war cannot, therefore, visit, detain, or seize (except under treaty) any merchant vessel not recognized as belonging to her own nation."

Later in that administration, on June 27, 1859, on the occasion of the outbreak of the Italian war against Austria, Cass sent important instructions to the American ministers throughout Europe, defining the character and policy of the United States as a neutral power, and particularly setting forth the principles by which this country was to be governed in the recognition of commercial blockades. This circular letter was weighty and judicious, as an expression of abstract and general principles, and has frequently been quoted since as an authority. It was effective enough during the Italian war. But unfortunately its admirable principles were not always advantageous to our own national practice in the Civil War which began here two years later, and it had to be largely repudiated in the maintenance of the blockade of Confederate ports.

Mexican affairs became increasingly troublesome because of the chaotic condition of that Government, and in 1858 Buchanan recommended that in order to stop intolerable outrages upon American citizens the United States should establish by force a protectorate over the northern part of that country. Congress declined, however, to authorize such action; and it was similarly irresponsive in the following year when Buchanan asked for authorization to invade Mexico and reëstablish order. The treaties were made by him in 1859, under which the United States was to assume responsibility for various foreign claims against Mexico in return for the granting of valuable and exclusive commercial concessions, but the Senate declined to ratify them, or even so much as to consider them; although Buchanan gave the warning, which a few years later was only too much justified by events, that if the United States did not do something in Mexico, some European nation would, and the United States would be put to the task of dealing with it as well as with Mexico itself, ''under circumstances of increased difficulty, for the maintenance of our established policy.'' The fact was, the North, which was then becoming dominant in Congress, suspected all such proposals by Buchanan to be in the interest of the extension of slavery, and it had no mind to further the schemes. Moreover, the aspect of domestic politics was becoming so ominous as to forbid any enterprises in other lands. In one direction alone did Congress assent to a feature of Buchanan's ''vigorous and aggressive'' foreign policy. That was in 1857, when in response to a message from the President it authorized the sending of a naval expedition of nineteen vessels to the little South American republic of Paraguay to exact an apology for an insult which had two years before been offered to the American vessel *Water Witch*. The apology was made, a commercial treaty was negotiated, and an agreement was made for a commission to investigate an American claim for damages. Elsewhere the embarrassment of domestic controversy and impending civil strife held diplomacy in abeyance, and remitted to some unknown future date the settlement of various questions of real and increasing importance.

The various treaties and conventions which were made by the United States in the years preceding the Civil War, including some elsewhere mentioned and others calling for nothing more than enumeration, were as follows: With Argentina, treaties of navigation, and of friendship, commerce, and navigation, 1855; Austria-Hungary, commerce and navigation, 1831, and consular jurisdiction and personal property, 1850; Bavaria, immigration tax, 1846; Belgium, commerce and navigation, 1846 and 1859; Bolivia, peace, friendship, commerce, and navigation, 1858 and 1863; Borneo, amity, commerce, and navigation, 1850 and 1854; Brazil, amity, commerce, and navigation, 1828, and claims, 1849 and 1850; Brunswick and Luneberg, disposal of personal property, 1855; Chile, peace, amity, commerce, and navigation, 1832 and 1834, and claims, 1856; China, peace, amity, and commerce, 1844, 1846, 1858, 1860, trade and tariff, 1858, and claims, 1858; Colombia, amity, commerce, and navigation, 1824 and 1825, peace, amity, commerce, and navigation, 1846 and 1848, consular, 1850, and claims, 1857 and 1860; Costa Rica, friendship, commerce, and navigation, 1851, and claims, 1860 and 1861; Denmark, friendship, commerce, and navigation, 1826, claims, 1830, and Sound dues, 1857 and 1858; Ecuador, peace, friendship, navigation, and commerce, 1839 and 1842; France, consular, 1853 and 1858; Greece, commerce, and navigation, 1837; Guatemala, peace, friendship, commerce, and navigation, 1849; Haiti, amity, commerce, navigation, and extradition, 1864; Hanover, commerce and navigation, 1840 and 1846, and abolishing State dues, 1861; the Hanseatic Cities, friendship, commerce, and navigation, 1827, arrest of deserters, 1828, consular, 1852; Hesse, immigration tax, 1844; Japan, peace, amity, and commerce, 1854, commerce and consular, 1857, commerce and navigation, 1858; Loo Choo Islands, friendship and commerce, 1854; Mecklenburg, commerce and navigation, 1847; Netherlands (Holland), commerce and navigation, 1852, consular, 1855; Paraguay, friendship, commerce, and navigation, 1859; Persia, friendship and commerce, 1856; Peru, claims, 1841, friendship, commerce, and navigation, 1851, neutrality, 1856, whaling ships, 1857; Saxony, immigration tax, 1845; Siam, amity and commerce, 1856; Switzerland, property rights, 1847, friendship and commerce, 1850; Turkey, commerce and navigation, 1830; the Two Sicilies, claims, 1832, commerce and navigation, 1845, rights of neutrals, 1855, amity, commerce, and navigation, 1855; Venezuela, claims, 1859, amity, commerce, and navigation, 1860.

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